

COUNCIL POLICY: COUNCILLOR EXPENSES AND REIMBURSEMENT

PURPOSE / OBJECTIVE

This policy outlines Council's assessment and interpretation of reasonable expenses which are suitable to be reimbursed to Councillors, on the basis that the expenses were incurred as a direct result of performing the duties of a Councillor and provides a framework for the reimbursement of reasonable expenses as defined in the *Local Government Act 2009* (LGA).

The objectives of this policy are:

1. To provide for Council-owned assets that will be made available to Councillors to accommodate the discharge of their duties;
2. To provide for reasonable expenses capable of being claimed as a reimbursement or an expense by Councillors in performing their duties; and
3. To set the parameters of Councillor Expenses.

SCOPE

This policy applies to the Mayor and all Councillors of the Scenic Rim Regional Council.

POLICY STATEMENT

Section 250 of the *Local Government Regulation 2012* requires a local government to adopt an expenses and reimbursement policy.

Scenic Rim Regional Council adopts this policy in accordance with section 4 of the *Local Government Act 2009* and adopts the local government principles to define how this policy shall operate and explicitly determines that the provision of facilities, assets and reimbursement shall be transparent and accountable.

The broad principle adopted by Council in connection to the provision and use of Council-owned assets to Councillors is to enable Councillors to effectively discharge the requirements of their office. Specific limitations about the use of these assets are adopted to ensure that Council-owned assets are not utilised for purposes other than those directly related to the office holder.

Entitlements

Councillors are entitled to be reimbursed for reasonable expenses incurred while undertaking Council business and will be provided with Council owned assets to assist in undertaking their duties in accordance with this policy.

A Councillor's term commences on the day after the conclusion of the Councillor's election or on the day the Councillor is appointed in accordance with section 159 of the LGA.

A Councillor's term ends at the conclusion of the next quadrennial election, or if appointed midterm at a fresh election at the conclusion of the next quadrennial election, or if the Councillor is appointed to fill a vacancy at the conclusion of the next quadrennial election or when the Councillor's office becomes vacant for any other reason in accordance with section 160 of the LGA.

Councillors are entitled to make claims and use the Council owned assets under this policy for the duration of their official appointment as Councillors except in accordance with the *Local Government Electoral Act 2011* Councillors are not permitted to use any of the provided Council-owned assets for electioneering purposes.

Professional Development

Councillors are encouraged to undertake relevant professional development as defined in this policy and will be reimbursed or entitled to the cost of reasonable expenses incurred for professional development on provision that sufficient funding remains in the budget.

Travel Costs

Where practical, Councillors should travel via the most direct route, using the most economical and efficient mode of transport, whether public or private. Incidental deviations are allowed where the distance travelled is not material.

Councillors are entitled to be reimbursed for travel costs when undertaking professional development or Council business, in accordance with the following conditions:

- a. Council will book and pay for all travel under this policy;
- b. Economy class travel is the standard, unless otherwise approved;
- c. Travel is undertaken via the most direct route;
- d. Requests for travel should be made in sufficient time to take advantage of discounts and gain access to the widest range of flights;
- e. Travel tickets are not transferable;
- f. Travel insurance is provided for all Councillors on Council business.

Parking, Tolls, Public Transport

Councillors may be reimbursed for parking as well as costs associated with travel via public transport where such costs are incurred in the course of undertaking professional development or Council business. Any fines or infringements issued while undertaking such activities are the personal responsibility of the Councillor incurring the fine.

Council will cover reasonable costs for tolls and other charges associated with toll roads. The Chief Executive Officer (CEO) may seek to recover the cost of tolls and other charges from Councillors from time to time should it become apparent that the costs incurred are not reasonable.

Accommodation

Councillors are entitled to stay in accommodation to a standard of 4 stars or equivalent where possible when undertaking professional development or other Council business where it is not reasonable for the Councillor to return home for the night, in accordance with the following conditions:

- a. Council will book and pay for all accommodation under this policy;
- b. Accommodation offered as part of a conference package will be booked where practicable;
- c. Where a Councillor chooses to stay with friends or family, no accommodation expenses will be paid.

Councillors may be reimbursed for reasonable incidentals in accordance with this policy.

Meals

Councillors are entitled to be reimbursed for the cost of meals in accordance with the Australian Tax Office's Taxation Determination ruling *Income Tax: what are the reasonable travel and overtime meal allowance expense amounts* for the relevant income year, when undertaking professional development or Council business within the following conditions:

- a. The costs are incurred personally; and
- b. The meal was not provided as part of the registration costs of the activity, event or included in the travel booking.

Hospitality

Councillors are entitled to reimbursement of reasonable costs for providing hospitality as defined within this policy provided sufficient funding remains in the approved entitlement budget. The provision of hospitality is to be in accordance with the Entertainment and Hospitality Expenditure Policy.

Corporate Gifts

Councillors may purchase and present corporate gifts as defined within this policy provided sufficient funding remains in the budget. Gifts may be presented for the purposes of showing appreciation to community groups or individuals, as awards or prizes or to interstate and international delegations. Reimbursement will not be made for cash awards or prizes.

Facilities

Administrative support

Councillors are entitled to reasonable administrative support to be able to perform their duties and undertake Council business. Councillor support staff will be employees of Council and subject to Council's usual terms and conditions of employment. The service level for Councillors' support staff will be reviewed on a periodic basis and shall be subject to budgetary and operational constraints. Councillor support staff will not assist Councillors in organising their non-Council related business or any electioneering activities.

Council office accommodation and meeting rooms

Councillors are entitled to reasonable office accommodation and access to meeting rooms to be able to perform their duties and undertake Council business. The standard of office accommodation will be determined by the CEO and located at Council-owned or leased premises. Appropriate furniture will be provided to ensure the Councillor can perform their duties.

Business and communication tools

Councillors will be issued with business and communication tools to assist them in performing their duties and undertaking Council business, in accordance with the following conditions:

- a. All tools are procured by Council and are of the same standard as those available to senior management.
- b. All tools remain the property of the Council and must be accounted for during any audit and returned at the end of the Councillor's term of office.
- c. Councillors are expected to comply with the same conditions of use, guidelines and processes for business and communication tools that apply to employees.

Mobile device costs

The Mayor is entitled to have the full cost of Council business related mobile device charges paid by Council. It is recognised that community expectations and demands on the Mayor are such that generally all mobile device charges are deemed to be Council business.

The full cost of Council issued mobile devices will be paid by Council. Councillors are entitled to have the full cost of Council business related mobile device charges paid by Council.

Vehicles

The Mayor is entitled to be provided with a Council owned vehicle for Council business. It is recognised that community expectations and demands on the Mayor are such that generally all vehicle use is deemed to be Council business. The requirement to calculate private use is not applicable to the Mayor, unless the Mayor takes personal leave from Council for a period of more than one week. Where such personal leave is taken, the Mayor will reimburse Council.

Councillors, with the exception of the Mayor, are entitled to be provided with a Council vehicle for official Council business, with access to private use of that vehicle subject to reimbursement to Council for expenses associated with the private use of the vehicle at a rate determined by the CEO.

The model and standard of vehicle offered to Councillors will be equal to that offered to senior management through Council's approved fleet procurement processes. In the event that the standard vehicles offered are not appropriate in a Councillor's individual circumstances, the CEO may approve the procurement of a reasonable alternative model at their discretion.

All vehicles will be supplied and maintained in accordance with the relevant Council vehicle and fleet management policies.

Parking

Councillors are entitled to park vehicles issued by Scenic Rim Regional Council in parking spaces designated for either "Councillor use" or "SRRC vehicle use" at any of the Council administration buildings.

Legal costs and insurance cover

Council may decide, by resolution, pursuant to section 107 of the Act, to cover costs incurred through any inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her duties. The legal expenses are expenses not otherwise covered in the Legal Assistance Policy.

Councillors will be covered under Council insurance policies while discharging their duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors' liability, personal accident and/worker's compensation, international and domestic travel insurance.

Exclusions

Family member travel

Councillors shall not be reimbursed for expenses incurred for spouses, partners or other family members and if Council has incurred expenses for the excluded expenses for the sake of expediency or convenience, Councillors will reimburse to Council the full amount of the expense.

The CEO, at their discretion, may approve partner travel costs for attendance of Councillors and their partners at endorsed events.

Advertising

Councillors are not entitled to be reimbursed or provided with funds, services or facilities for advertising purposes.

Alcohol

Councillors are not entitled to be reimbursed or provided with funds for the purchase of alcoholic beverages without the prior approval of the CEO.

Overseas travel

Resolution of Council is required for non-personal overseas travel under this policy.

Other exclusions

- a. Expenses related to functions and activities requested or organised by Council groups will be met from the relevant approved group budget.
- b. Expenses associated with participation in the following programs will be met from existing budgets:
 - i. Australian Local Government Association National General Assembly when attending as Council's voting delegate;
 - ii. Local Government Association of Queensland Annual Conference when attending as Council's voting delegate;
 - iii. Local Government Association of Queensland Elected Member Updates when organised for all Councillors;
 - iv. Australian Institute of Company Directors company directors course;
 - v. New Councillor orientation programs;
 - vi. Other events as may be approved by the CEO from time to time, including but not limited to, portfolio related activities.
- c. It is reasonable that expenses associated with advocacy and representative activities undertaken by the Mayor and Deputy Mayor on behalf of Council to be adequately funded from existing budgets for this purpose.

CONSIDERATION OF HUMAN RIGHTS UNDER *HUMAN RIGHTS ACT 2019*

In acknowledgement of the fundamental human rights recognised in International covenants this Council Policy has been developed and acknowledges a commitment to recognise the importance and protection of human rights in creating policies that serve to develop overarching frameworks, standards, behaviours or actions that affect the way in which Council serves the community of the Scenic Rim.

An assessment of this policy against the human rights determined that no human rights are limited or affected by this policy.

COMPLIANCE, MONITORING AND REVIEW

Each Councillor, including the Mayor, issued with a Council-owned asset is responsible for their own monitoring of any private use component of any Council-owned asset issued to promote the facilitation of Councillors duties of office, including this:

- Aligns with relevant legislation;
- Aligns with requirements of transparency under the *Local Government Act 2009*; and
- Meets all ethical requirements imposed on Councillors in public office.

DEFINITIONS

Councillor means a duly elected person who has been elected to represent the constituents of a division within the Scenic Rim Regional Council and includes the Mayor, see also Schedule 4 *Local Government Act 2009*.

Council owned Assets means any item of equipment, provided by Council at Council's expense to a Councillor to assist in the effective discharge of their official duties.

Duties means the Councillor's roles and responsibilities under the *Local Government Act 2009*

Expense means reasonable payment for costs incurred, or to be incurred, in the Councillor discharging their duties. These expenses are to be reimbursed to Councillors (*or paid directly by Council if deemed appropriate*).

Facilities means the resources and tools necessary for Councillors to perform their duties efficiently and effectively at a level that fulfils community expectations including office accommodation made available to Councillors.

Hospitality includes, but is not limited to, the provision of:

1. Food or beverages while undertaking Council business; and
2. Corporate gifts as defined in this policy, on proviso that sufficient funds remain in the budget.

LGA means *the Local Government Act 2009*.

Local Government Principles means the principles outlined at Section 4 of the *Local Government Act 2009*.

Material distance shall be interpreted and assessed under Section 35 and 36 of the *Workers' Compensation and Rehabilitation Act 2003*

Mobile device means mobile phones, smart phones, blackberry devices, iPads, iPhones, tablets and other similar equipment.

Private Use means any use of Council-owned assets for other than official Council Business is private use. For the purposes of this policy private use does not include:

- Travel between a Councillor's home and the official Council business; and
- Any incidental deviations from the direct travel route where the distance travelled is not material.

Professional Association means an association of practitioners of a given profession.

Professional Development means any facilitated learning opportunity. This includes, but is not limited to:

1. Conferences, workshops, seminars or training provided by a government department (e.g. Department of Local Government) or professional association;
2. Study tours, conferences, workshops, meetings where a Councillor has been approved as Council's representative;
3. Membership of relevant professional or industry associations;
4. Subscriptions to relevant professional association or industry journals;
5. Purchase of relevant published reference materials including books and journals.

Public Office means as defined in section 6 *Public Sector Ethics Act 1994*.

Reasonable means any action connected to the official duties of a Councillor of representation but avoiding waste, be publicly defensible and in line with community expectations, accountable and transparent and disclosed in Council's Annual Report.

Reimbursement means to make repayment of eligible expenditure.

Transparency means Section 9 *Public Sector Ethics Act 1994*.

RELATED LEGISLATION AND DOCUMENTS

1. *Local Government Act 2004*
2. *Local Government Regulation 2012, (s 250)*
3. *Local Government Electoral Act 2011*
4. *Public Sector Ethics Act 1994*
5. Advertising Spending Policy F101 06CP
6. Councillor Code of Conduct
7. Caretaker Policy
8. Caretaker Procedure
9. Entertainment and Hospitality Expenditure Policy F101 05CP
10. Legal Assistance Policy (CM2.08.CP)

This policy supports the Scenic Rim Regional Council *Corporate Plan 2018-2023*, in particular Theme - Open and Responsive Government

APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Council
Administrator	Principal Specialist Governance and Assurance
Next Review Date	One year unless legislative changes require earlier review

Approval and Amendment History	Details
Original Approval Authority and Date	27 November 2012, 27 January 2016
Amendment Authority and Date	Previous amendments 26 February 2013; 25 March 2014; 27 January 2016, 24 May 2016
Notes	This document replaces the previous Councillor Expenses Reimbursement Policy and has been consolidated into the new Policy Framework.

Approved By:

SCENIC RIM REGIONAL COUNCIL
Adopted 03/02/2020

Version Information

Version No.	Date	Key Changes
6	04/02/2020	Update to new framework, update to comply with Belcarra recommendations.