# COUNCILLOR FACILITIES AND EXPENSES POLICY

## (STATUTORY POLICY)

### 1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

### 2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as a Councillor as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Commission.

### 3. References (legislation/related documents)

**Legislative reference**
*Income Tax Assessment Act 1997*
*Local Government Act 2009*
*Local Government Regulation 2012*
Taxation Rulings issued by the Australian Taxation Office

**Related documents**
Corporate Uniform Policy
Workplace Health and Safety Policy
Councillor Complaints Investigation Policy
Code of Conduct for Councillors in Queensland

### 4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

| | |
|---|---|
| Approval Officer | In the case of the Mayor, the Approval Officer is the Chief Executive Officer.<br>In the case of all other Councillors, the Approval Officer is the Mayor. |
| Council | Livingstone Shire Council. |
| Conference | An event, including a tour, seminar, conference, workshop or meeting for professional development. |
| Council business | Official business conducted by a Councillor on behalf of Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business objectives for the Council, for example attending |

| | |
|---|---|
| | official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to Councillor portfolios, or Council appointments.<br>Council business should result in a benefit being achieved for Council or the Livingstone Shire local government area, for example attending civic ceremony duties such as opening a school fete.<br>Council Business does not include participating in a community group event or being a representative on a board not associated with Council. |
| Event | A conference, training activity or Council business related function or event. |
| Expenses | Reasonable costs incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the *Local Government Act 2012*. |
| Facilities | Reasonable facilities Council deems necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the *Local Government Act 2012*. |
| High Risk Country | A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel". |
| Local region | Within the local government areas administered by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils. |
| Training | A training course or further education and development activity. |

## 5. Policy Statement

This Policy is made in accordance with the following provisions of *Local Government Regulation 2012:*

***249 What div 2 is about***

*(1) This division is about the expenses reimbursement policy.*

*(2) The **expenses reimbursement policy** is a policy providing for the following—*

*(a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;*

*(b) provision of facilities to councillors for that purpose.*

***250 Requirement to adopt expenses reimbursement policy or amendment***

*(1) A local government must adopt an expenses reimbursement policy.*

*(2) A localgovernment may, by resolution, amend its expenses reimbursement policy at any time.*

***251 Notification of adoption of expenses reimbursement policy***

*(1) As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—*

*(a) Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and*

*(b) Publish the policy on the local government's website.*

*(2) The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.*

***252 Meetings about expenses reimbursement policy***

*A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.*

## 5.1 Guidelines for Expense Reimbursement

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

**5.1.1** Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.

**5.1.2** Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.

**5.1.3** All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.

**5.1.4** Travel should be via the most practical and direct route using the most economical and efficient mode of transport.

**5.1.5** Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.

**5.1.6** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.

**5.1.7** Economy class air travel is to be used where possible.

**5.1.8** Travel transfer expenses associated with Council business travel will be reimbursed by Council eg trains, buses, taxis and ferries.

**5.1.9** Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis

**5.1.10** No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other functions organised by Council are met from relevant approved budgets.

**5.1.11** Should the Councillor choose not to attend a dinner or eat a meal provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.

**5.1.12** Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on Council business unless it is a Federal Government, State Government or Council endorsed (eg ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.

**5.1.13** Expenses referred to in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.

**5.1.14** Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.

**5.1.15** Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of Council.

## 5.2 Corporate Purchase Card

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

a) is subject to a maximum expenditure limit of three thousand dollars ($3,000) per month; and

b) is subject to a maximum transaction limit of one thousand dollars ($1,000) per transaction; furthermore

c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and

d) must not adversely affect Council's relation with the public at large.

## 5.3 Training and Conference Attendance

### 5.3.1 Identification of Training and/or Conference Need

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

### 5.3.2 Support for Training and/or Conference Attendance

Council offers all Councillors financial support to attend Council-approved training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

### 5.3.3 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;

b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;

c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or

d) Council funding no longer enables support to be provided.

#### 5.3.4 Equity of Development Opportunities

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate specific needs of individual Councillors.

### 5.4 Principle for Approving Travel Arrangements

**5.4.1** Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

**5.4.2** Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

**5.4.3** The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;

b) Whether the absence of the Councillor is convenient to Council;

c) Whether it is appropriate for Council to be funding the travel;

d) Whether the travel is in relation to Council business and what value it adds to Council; and

e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

### 5.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their role as Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;
- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

### 5.6 Allowable Expenses within the Local Region

Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

### 5.7 Allowable Expenses outside the Local Region

**5.7.1** Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as Councillors outside the local region provided such attendance has been authorised by resolution of Council.

**5.7.2** The Mayor will not be required to have the approval of Council under clause 5.7.1 above if attending functions or meetings relevant to the role of Mayor.

**5.7.3** Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation outside the local region associated with the Councillor's fulfillment of that role is deemed as approved without the need for a further specific approval by resolution of Council.

**5.7.4** In emergent circumstances where prior approval by resolution of Council cannot be obtained under clause 5.7.1 of this Policy, the Chief Executive Officer may approve such travel on the basis of obtaining the approval of a majority of Councillors by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available general meeting of Council.

### 5.8 General Provision of Facilities

**5.8.1** As a general rule facilities required to assist Councillors in their official capacity as councillors will be provided by Council under this clause 5.8.

**5.8.2** Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.

**5.8.3** 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 or the Councillor otherwise ceases to be a councillor of Council.

**5.8.4** Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

**5.8.5** Councillors must not use Council facilities for personal or political purposes.

### 5.9 Administrative tools and support

**5.9.1** The Mayor will be provided with a dedicated office in the Lagoon Place administration centre, Yeppoon.

**5.9.2** The Council Chambers located at 4 Lagoon Place, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to use which can be booked through the Councillor Support Section.

**5.9.3** The Mayor and Councillors will be provided with the appropriate level

of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.

**5.9.4** Councillors are provided with a laptop computer (with internet access) and printer for Council business use.

**5.9.5** Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices

**5.9.6** Councillors are provided stationery for Council business purposes only, including, but not limited to:

- Pens and pen sets;
- Note paper and Paper;
- Letterhead;
- Business cards;
- Envelopes;
- Laptop carry bag; and
- 'With Compliments' slips.

**5.9.7** Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit must be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.

**5.9.8** Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.

**5.9.9** Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.

**5.9.10** Councillors will be paid an allowance of $100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace Safety Unit will provide assistance.

**5.9.11** Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided with official name badges, a blazer, and two shirts with a Council insignia, being any combination of dress shirt(s) and/or polo shirt(s), for official use.

### 5.10 Vehicles

#### 5.10.1 Mayor

1) Council will provide a fully serviced 4WD wagon to the Mayor for business and reasonable private use, or

2) In lieu of a Council provided vehicle, Council will pay the Mayor a private vehicle allowance equivalent to 24,000km/annum at the applicable Australian

Tax Office mileage rate (eg. $0.85/km in 2024) as applied form time to time, paid by fortnightly instalments.

#### 5.10.2 Councillors

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

1) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel; or,

2) In lieu of completing a log book, councillors accept and annual payment equivalent to the Australian Tax Office mileage rate (eg $0.85/km in 2024) for 12,0000km per annum.

### 5.11 Insurance

#### 5.11.1 Introduction

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

#### 5.11.2 Public Liability and Professional Indemnity

Council has included Councillors under Council's Public Liability and Professional Indemnity policy (Local Government Mutual –LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

#### 5.11.3 Worker's Compensation

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGW). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the *Worker's Compensation & Rehabilitation Act 2003.*

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

#### 5.11.4 Councillors and Officers Liability

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

- in the event that a claim is made, first notify the Chief Executive Officer (or his/her delegate) of the existence and circumstances of the claim; and

- thereafter allow management of the claim (eg engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

## 6. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the *Local Government Act 2009*, which will be dealt with in accordance with that Act.

## 7. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

## 8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v7.0)'.

| Version | Date | Action |
|---|---|---|
| 1.0 | 03/01/2014 | Adopted |
| 2.0 | 11/02/2014 | Amended Policy Adopted |
| 3.0 | 31/03/2016 | Amended Policy Adopted |
| 4.0 | 14/06/2016 | Amended Policy Adopted |
| 4.1 | 27/08/2018 | Administrative Amendments – reflect organisational restructure |
| 5.0 | 18/08/2020 | Amended Policy Adopted - Policy reviewed and amended by King and Company, Councillor Training and Conference Policy and Councillor travel has been incorporated into this policy |
| 6.0 | 21/09/2021 | Amended Policy Adopted - amendment to section 5.9.11 |
| 7.0 | 20/05/2024 | Amended Policy Adopted – section 5.10 updated |
| 8.0 | 18/06/2024 | Amended Policy Adopted – section 5.10.1 updated |

**CALE DENDLE**
**CHIEF EXECUTIVE OFFICER**