

## POLICY NO LG01 COUNCILLORS ALLOWANCES AND SUPPORT POLICY

<b>DEPARTMENT:</b>	Governance
<b>RESPONSIBLE OFFICER:</b>	General Manager
<b>LINK TO STRATEGIC PLAN:</b>	... work within a culture of financial sustainability focusing on securing outside funding, spending wisely and being fair to all.
<b>STATUTORY AUTHORITY:</b>	Local Government Act 1993 Local Government (General) Regulations 2015
<b>OBJECTIVE:</b>	<p>The <i>Local Government Act 1993</i> prescribes that all Councillors are entitled to receive a general allowance and reimbursement for expenses incurred in travelling, telephone rental and calls and care of a dependent while carrying out Councillor duties.</p> <p>The Act also makes provision for Council to resolve to adopt a Policy to reimburse Councillors for a range of additional expenses, eg travel outside the Council area, attendance at conferences, or to be provided with support, eg computers, printers, administrative consumables.</p>
<b>POLICY INFORMATION:</b>	<p>Adopted 19 March 2012 – Minute No 03/12.15.4.069  Reviewed 16 April 2012 – Minute No 04/12.15.8.112  Amended 17 December 2012 – Minute No 12/12.15.5.354  Amended 21 August 2014 – Minute No 08/14.15.3.253  Amended 17 August 2015 – Minute No 11/15.11.5.216  Amended 24 June 2019 – Minute No 06/19.16.6.154  Amended 18 December 2023 – Minute No 12/23.4.1.283</p>

## POLICY

### 1. COUNCILLORS ALLOWANCES AND SUPPORT PRINCIPLES

- 1.1 Break O'Day Council will ensure that the payment of Councillor allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the *Local Government Act 1993* and *Local Government (General) Regulations 2015*.
- 1.2 This policy summarises the provisions of the Act and Regulations in respect to Councillors allowances, expenses and support, sets out the types of expenses and the circumstances in which those expenses will be reimbursed.
- 1.3 In setting this policy, Council considered the overall support provided to Councillors, that is, annual allowances paid, pursuant to Regulation 42 "*Allowances for Elected Members*" of the Regulations. It is to be noted this is an allowance and not a wage, as such it is expected that it does cover some costs associated with the performance of the duties of an Councillor.
- 1.4 The Councillors allowances contained within this policy will be reviewed annually.

## **2. THE LOCAL GOVERNMENT ACT 1993 (“THE ACT”)**

- 2.1 Schedule 5 – “*Office of Councillors*” of the Act provides that Council may approve the reimbursement of certain prescribed expenses incurred by Councillors, under a policy adopted by Council.
- 2.2 This policy specifies the types of expenses that will be reimbursed without the specific approval of Council, and the process for Councillors to obtain reimbursement of those expenses. Some other specified reimbursements require approval prior to commitments.

## **3. THE PRINCIPLES**

- 3.1 This policy is underpinned by the following principles:
  - 3.1.1 Councillors should not be out-of-pocket as a result of performing and discharging official Council functions and duties.
  - 3.1.2 Any reimbursements claimed by Councillors must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- 3.2 Councillors are entitled to receive:
  - 3.2.1 An annual allowance as provided for in Regulation 42.
  - 3.2.2 Reimbursement of reasonable prescribed travelling and dependent care expenses associated with attendance at Council/Committee meetings, pursuant to Regulation 43.
- 3.3 Council has also agreed to:
  - 3.3.1 Reimburse certain prescribed expenses pursuant to Schedule 5 of the Act and Regulation 43.
  - 3.3.2 Provide Councillors with facilities and support to assist them in performing and discharging their functions as provided for in Part (2) of Schedule 5 of the Act.

## **4. ROLES AND RESPONSIBILITIES**

- 4.1 This policy will apply to all Councillors.
- 4.2 The General Manager is responsible for:
  - 4.2.1 Implementing expense reimbursement procedures in accordance with this policy;
  - 4.2.2 Implementing a review of allowances paid to Councillors annually;
  - 4.2.3 Ensuring a copy of this policy is available for inspection and purchase by the public.

## **5. ENTITLED ALLOWANCES AND REIMBURSEMENTS**

All Councillors are entitled to the prescribed allowance as determined by legislation, notwithstanding this, the Mayor, Deputy Mayor or Councillor may decide not to receive part of or all of an allowance. Any Councillor making this decision is to advise the General Manager in writing.

## **6. LEAVE OF ABSENCE**

- 6.1 Any Councillor granted leave of absence from Council, shall receive their appropriate member's allowance.
- 6.2 Any Councillor granted leave of absence from Council for a period greater than one (1) month, shall continue to receive their Councillor allowance for the period, however in the case of Mayor or Deputy Mayor, they will only receive the Councillor proportion of the allowance not the additional allowance for Mayor or Deputy Mayor roles.

## **7 ATTENDING SEMINARS AND CONFERENCES**

Council will pay for the cost of Councillors to attend Council approved seminars, conferences and training programmes, including accommodation and travel expenses providing these are arranged through the General Manager once approved in writing by the Mayor.

Unless specific circumstances exist and there is a resolution of Council, attendance at seminars, conferences and training programs will be restricted to a total payment of \$2,000.00 per year for each Councillor. This restriction does not apply to the Mayor or Deputy Mayor or any Councillor acting on the Mayor's behalf.

Reasonable expenses incurred for meals and incidentals will be paid for overnight stays, where these are not part of the conference registration package.

## **8 ATTENDEE AT FUNCTIONS**

The Mayor, Deputy Mayor and Councillors may receive invitations to attend functions in their capacity as an Councillor.

Invitations with budgetary implications, will be referred to the General Manager for approval prior to agreeing to attend (retrospective payments will not be provided). Requests for approval will only be considered where the invitation is addressed specifically to the Councillor and attendance will be beneficial to the Councillor in the performance of their duties.

## **9 ACCOMPANYING PARTNERS/GUESTS**

A Partner or guest may accompany an Councillor to conferences or a function where other attendees are generally accompanied by partners.

Council will not pay or reimburse for guests' or partners' travel or social packages, unless specifically approved by a vote of Council.

## **10 TRAVEL**

- 10.1 Councillors are entitled to receive reimbursement for travelling within the area of Council and dependent care expenses associated with attendance at Council and Committee meetings and other activities directly related to Council as detailed below:

10.1.1 Reimbursement is restricted to “eligible journeys by the shortest or most practicable route”.

10.1.2 Councillors who reside full time or part time outside the Council boundary are only eligible for travel from the boundary to the place of the meeting.

- 10.2 Where an Councillor travels by private motor vehicle, the rate of reimbursement will be paid as per the current rate set by the Australian Taxation Office. Where travel is outside the municipal area, travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, but is still limited to eligible journeys by the shortest or most practicable route. Travel by public vehicle within the municipality is not eligible unless prior arrangements is made and approved by the General Manager.

## **11 ADDITIONAL REIMBURSEMENT AND SUPPORT**

Council also approves the reimbursement of expenses and support to Councillors as described below:

### **11.1 Use of Council Vehicle**

- 11.1.1 For authorised activities outside the Municipality, Councillors are encouraged to use one (1) of Council’s vehicles, if available, when attending meetings or functions on behalf of Council. Council’s Executive Officer is the contact person to arrange a vehicle. Conditions of use of these vehicles are:

11.1.1.1 As the main use of the vehicle is to be Council business the Council shall meet costs related to the use of the vehicle.

11.1.1.2 The vehicle may be driven by other members of the public but only whilst the Council representative is in the vehicle or whilst that person is assisting the Council representative to carry out Council business.

11.1.1.3 Should the Council incur any penalty other than the normal insurance excess on any insurance claim as a result of any illegal action whilst the vehicle is being used, the cost of such penalty shall be borne by that Council representative.

11.1.1.4 Smoking is prohibited in the vehicle.

11.1.1.5 The driver shall pay for speeding fines and any other traffic violations, which incur a penalty.

11.1.1.6 The vehicle shall be used in a manner which complies with the manufacturer’s specification (eg maximum load, weight of towed vehicles, etc).

## 11.2 Meal Provision – Council Meetings

For attendance at monthly Council meetings, morning tea and lunch will be provided and if meetings extend beyond 6.00pm an evening meal will be provided.

## 11.3 Communication Expenses

Councillors may claim a maximum reimbursement of \$50.00 per month for mobile phone or fixed line call expenses that are directly related to Council business. The Mayor may have a Council mobile phone issued, their phone included in Council's telephone package, or equivalent arrangements negotiated with the General Manager, on request.

## 11.4 Business Cards

Councillors will be provided (a maximum of 250 business cards per calendar year per Councillor). These are to be requested through Council's Executive Officer.

## 11.5 Other Expenses

11.5.1 Expenses incurred for the care of any person who is dependent on the Councillor and requires the care while the Councillor is carrying out their duties or functions as a Councillor. Dependent care expenses are not reimbursed if the care is provided by a relative of the Councillor who ordinarily resides with the Member.

11.5.1.1 Claims must be accompanied by a receipt from a licensed care provider showing the date and time care was provided and detail the reason care was needed on each occasion. Claims must be submitted on a fortnightly basis. Councillors claiming reimbursement for care expenses are required to provide the General Manager with documentary evidence regarding their entitlement or non-entitlement to any Government support scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Care provider.

11.5.2 Meals and accommodation costs associated with approved attendances at meetings and conferences.

11.5.3 Council will make available to Councillors equipment and facilities to assist them in performing or discharging their official functions and duties. Any equipment supplied by Council is on the condition that the equipment remains the property of Council.

11.5.44 Councillors will be provided with an internet/e-mail service for Council business. In the event that an Elected MemberCouncillor wishes to continue with their current service or wish to have an improved service, Council will reimburse a monthly payment equivalent to the service provided by Council. This may vary with service provided and at the time of adoption of the policy is \$49.95 per month. An Elected MemberCouncillor can opt for a Council provided service at any time.

- 11.5.1.5 Electronic communication is the principal source between Council Officers and Councillors. Council has issued Laptop computers to all Councillors. Council will fund an appropriate data plan for all such devices issued.
- 11.5.1.6 Council will provide and maintain a printer and consumables for the printing of Council documentation, if requested.
- 11.5.1.7 All equipment is to be returned immediately to Council upon the Councillor not continuing in the position or no longer requiring the equipment for Council purposes.
- 11.5.1.8 Council will provide a Council email address for Councillors (eg Councillor's christiannname.surname@bodc.tas.gov.au ).

## **12 EXPENSES AND SUPPORT REQUIRING COUNCIL APPROVAL**

All other expenses, reimbursements and support not detailed above will require approval by Council on a case-by-case basis. It is expected approval should be sought prior to the expense being incurred, however it is acknowledged occasions may arise where this is not possible.

## **13 CLAIMS FOR REIMBURSEMENT**

- 13.1 Claims for reimbursement should be submitted on a monthly basis, however it must not be any longer than three (3) months after the expense has been incurred and must be completed on the prescribed form.
- 13.2 When making claims for reimbursement of expense, Councillors must provide receipts, tax invoices and documentation to support a claim. Each claim must clearly identify the purpose, in order to make clear the basis of the claim and its relation to the policy guidelines.
- 13.3 Claims for reimbursement are to be submitted to the General Manager.
- 13.4 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the Councillor making the claim. Should the question still remain, the matter is to be referred to a Closed Session of Council for a decision.

## **14 REPORTING**

In accordance with Section 72(1)(cb) of the Local Government Act 1993, a table outlining all allowances and expenses paid to/or on behalf of the Mayor, Deputy Mayor and Councillors is to be reported in Council's Annual Report.

## **15 MONITORING AND REVIEW**

This Policy will be reviewed every four (4) years following a Council Election in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.