



AGENDA

Post-Election Meeting

6 April 2016

CONTENTS

1. DECLARATION OF OFFICE
2. APPOINTMENT OF DEPUTY MAYOR
3. FIXING OF DAYS AND TIMES FOR HOLDING OF MEETINGS
4. COUNCILLOR EXPENSES REIMBURSEMENT
5. REQUESTS BY COUNCILLORS FOR ADVICE OR INFORMATION FROM STAFF

DECLARATION OF OFFICE

BACKGROUND

Section 169 of the *Local Government Act 2009* provides that a Councillor must not act in office until the Councillor makes the declaration of office.

The form of the declaration of office is prescribed in Section 254 of the *Local Government Regulation 2012*.

All declarations are to be taken by the Chief Executive Officer.

The Department of Local Government suggest that the declaration be in duplicate - one signed and dated copy for the Councillor and the second held in Council's legal documents register or a secured area by the Chief Executive Officer.

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- (a) is employed under a federally funded community development project for Aborigines or Torres Strait Islanders; or
 - (b) is a member of a class of employees that is prescribed under a regulation.

Division 5 Obligations of councillors

169 Obligations of councillors before acting in office

- (1) A councillor must not act in office until the councillor makes the declaration of office.
- (2) The *declaration of office* is a declaration prescribed under a regulation.
- (3) The chief executive officer is authorised to take the declaration of office.
- (4) The chief executive officer must keep a record of the taking of the declaration of office.
- (5) A person ceases to be a councillor if the person does not comply with subsection (1) within—
 - (a) 1 month after being appointed or elected; or
 - (b) a longer period allowed by the Minister.

170 Giving directions to local government staff

- (1) The mayor may give a direction to the chief executive officer or senior executive employees.
- (2) No councillor, including the mayor, may give a direction to any other local government employee.

Division 3 Other matters

254 Declaration of office—Act, s 169

For section 169(2) of the Act, the declaration of office prescribed is—

‘I, (*insert name of councillor*), having been elected/appointed as a councillor of the (*insert name of local government*), declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles under the *Local Government Act 2009*, to the best of my judgment and ability.’

Part 2 Local government meetings and committees

Division 1 Local government meetings

255 What div 1 is about

This division is about the meetings of a local government (other than meetings of its committees).

256 Agenda of post-election meetings

- (1) The matters a local government must consider at a post-election meeting include the day and time for holding other meetings.
- (2) A *post-election meeting* is the meeting mentioned in section 175(1) of the Act.

Mareeba

Shire Council

DECLARATION OF OFFICE BY COUNCILLORS ELECTED TO THE MAREEBA SHIRE COUNCIL ON 19 MARCH 2016

I, James William Bloggs, having been elected as a councillor of the Mareeba Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles under the *Local Government Act 2009*, to the best of my judgement and ability.

Signature of Councillor

This declaration was made before me at the Council Chambers, Rankin Street, Mareeba on 30 March 2016.

Peter Franks
Chief Executive Officer

3 Purpose of this Act

The purpose of this Act is to provide for—

- (a) the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and
- (b) a system of local government in Queensland that is accountable, effective, efficient and sustainable.

Note—

The system of local government consists of a number of local governments. See the *Constitution of Queensland 2001*, section 70 (System of local government).

4 Local government principles underpin this Act

- (1) To ensure the system of local government is accountable, effective, efficient and sustainable, Parliament requires—
 - (a) anyone who is performing a responsibility under this Act to do so in accordance with the local government principles; and
 - (b) any action that is taken under this Act to be taken in a way that—
 - (i) is consistent with the local government principles; and
 - (ii) provides results that are consistent with the local government principles, in as far as the results are within the control of the person who is taking the action.
- (2) The *local government principles* are—
 - (a) transparent and effective processes, and decision-making in the public interest; and
 - (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
 - (c) democratic representation, social inclusion and meaningful community engagement; and

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- (d) good governance of, and by, local government; and
 - (e) ethical and legal behaviour of councillors and local government employees.

5 Relationship with City of Brisbane Act 2010

Although the Brisbane City Council is a local government, the *City of Brisbane Act 2010*, rather than this Act, provides for—

- (a) the way in which the Brisbane City Council is constituted and the nature and extent of its responsibilities and powers; and
- (b) a system of local government in Brisbane.

Note—

See the *City of Brisbane Act 2010*, section 5.

6 Definitions

The dictionary in schedule 4 defines particular words used in this Act.

Chapter 2 Local governments

Part 1 Local governments and their constitution, responsibilities and powers

7 What this part is about

This part explains—

- (a) what a local government is; and
- (b) what a local government area is; and

APPOINTMENT OF DEPUTY MAYOR

BACKGROUND

Section 175 of the *Local Government Act 2009* (the Act) requires Council to appoint a Deputy Mayor from the group of Councillors (other than the Mayor) at its post-election meeting.

The Act is silent on the process for appointment of the Deputy Mayor. The process for making the appointment is therefore usually agreed by Councillors and lead by the Mayor. While the *Local Government Regulation 2012* requires that voting must be open, the attached Information Sheet from the Department of Local Government indicates that a secret ballot is one method of determining the appointment of a Deputy Mayor where two or more nominations are received for that position.

Alternatively, each nomination can be dealt with individually and voted upon by Council until a successful nominee emerges.

RECOMMENDATION

"That Cr.....be appointed as Deputy Mayor."

259 Quorum at meetings

- (1) A quorum of a local government is a majority of its councillors.
- (2) However, if the number of councillors is an even number, one-half of the number is a quorum.

260 Procedure at meetings

- (1) Business may be conducted at a meeting of a local government only if a quorum is present.
- (2) At a meeting of a local government—
 - (a) voting must be open; and
 - (b) a question is decided by a majority of the votes of the councillors present; and
 - (c) each councillor present has a vote on each question to be decided and, if the votes are equal, the councillor presiding also has a casting vote; and
 - (d) if a councillor present fails to vote, the councillor is taken to have voted in the negative.

261 Adjournment of meetings

- (1) The majority of councillors present at a meeting of a local government may adjourn the meeting to a later hour of the same day or to a later day.
- (2) If a quorum is not present within 15 minutes after the time appointed for a meeting, the meeting may be adjourned to a later hour or another day within 14 days after the day of adjournment, by—
 - (a) a majority of the councillors present; or
 - (b) if only 1 councillor is present—the councillor; or
 - (c) if no councillors are present—the chief executive officer.

Information Sheet

Post Election Matters

Introduction

The *Local Government Act 2009* (the Act) and the *Local Government (Operations) Regulation 2010* (the Regulation) provide for obligations of Councillors before acting in office and the holding of the post-election-meeting.

The information in this document will identify sections of the Act and the Regulation and some practical information that may be of assistance especially to new Chief Executive Officers.

Declaration of Office

As elected representatives, Councillors must always represent the overall public interest of their local government area. Once elected, a Councillor must not act in office until he/she has taken the declaration of office before the Chief Executive Officer (CEO). The obligations of Councillors are outlined in section 169 of the Act (attached) and the wording of the Declaration is prescribed in section 50 of the Regulation (attached).

It is noted that all Declarations of Office (DoO) are to be taken by the CEO and not by the Mayor. The record of taking of the DoO could be on Council letterhead in the form of a certificate with the wording from section 50 of the Regulation. It is suggested the record also have the names of the Councillor and CEO at the bottom of the document and both persons sign and date the form. It is also suggested the Declaration be in duplicate – one signed and dated copy for the Councillor and the second held in Council's legal documents register or a secured area by the CEO.

Post Election Meeting

Section 175 of the Act states the Post-election meeting must be held within 14 days after the conclusion of the quadrennial election. *Schedule 4* of the Act states the conclusion of the election of a Councillor for a Local Government means when the last declaration of a poll conducted in the election is displayed in the Local Government's public office. The Electoral Commission of Queensland will provide the declaration of a poll details to Council.

Agenda for Post-election meeting

The agenda for the post-election must include the following:

- appointment of a Deputy Mayor from Councillors (obviously other than the Mayor) - section 175 of the Act (attached)
- the day and time for holding of other meetings (ordinary and, where applicable, standing committee meetings) - section 52 of the Regulation (attached).

Council's Local Laws and Subordinate Local Laws may also include a guide as to other items to be included in the agenda. If not the following agenda may be considered:

ABC Shire Council

Agenda for Post- Election Meeting

- Declaration of Office by the CEO
- Address by the Mayor
- Appointment of Deputy Mayor
- Dates and Times of Ordinary meetings (also standing Committees if applicable)
- Appointment of Councillors on Standing Committees (if applicable)
- Allocation of Councillor appointment or representation on Council advisory committees (if applicable), external bodies or organisations
- Closure of meeting

Obviously other items can be included on the agenda if required and the agenda needs to be discussed with the Mayor.

Wording under the heading of Declaration of Office in the minutes of the meeting

It is suggested that the minutes reflect that the declaration of office took place and list the names of the Councillors.

The wording could be as follows:

Declaration of Office

As required by section 169 of the Local Government Act 2009, each person elected or appointed to the Office of the Mayor or Councillor of a Local Government must before acting as Mayor or, as the case may be, Councillor, have made a Declaration of Office in the form set out in section 50 of the Local Government (Operations) Regulation 2010.

The following Councillors took the Declaration before Joe Smith, Chief Executive Officer:
Councillor Smith
Councillor Brown
(etc)

Appointment of Deputy Mayor

Where there is only one person nominated for the position, the resolution could be as follows:

Appointment of Deputy Mayor

The Mayor called for nominations for the position of Deputy Mayor.

Councillor Brian Smith nominated by Councillor Jones and seconded by Councillor White
There were no further nominations.

Resolution

Cr Jones moved and Cr White seconded

That Councillor Brian Smith be appointed Deputy Mayor

Carried



There are no procedures under the Act or the Regulation to determine the appointment of a Deputy Mayor where there are two or more nominations except that the appointment must be by resolution.

One way could be by way of a secret ballot after which the resolution would show the name of the successful Councillor. This method may reduce possible conflict at the first meeting of Council.

If this method is used, the resolution could be as follows:

Appointment of Deputy Mayor

The Mayor called for nominations for the position of Deputy Mayor and the following nominations were received:

Councillor Brian Smith nominated by Councillor Jones and seconded by Councillor White.
Councillor Harry Green nominated by Councillor Bloggs and seconded by Councillor Brown.

Cr Black moved and Cr White seconded

That the CEO and Manager of Engineering (this can be any staff member at the meeting – should not be another Councillor) be scrutineers for the voting for the position of Deputy Mayor.

Carried

Voting by members took place by secret ballot.

Resolution:

Cr Bloggs moved and Cr Brown seconded

That Councillor Harry Green be appointed Deputy Mayor

Carried.

Conclusion

The matters contained in this document are for information only however it is hoped the practical examples may be of interest.

Far North Regional Office
Department of Local Government

17 April 2012

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FIXING OF DAYS AND TIMES FOR HOLDING OF ORDINARY MEETINGS

BACKGROUND

Section 257 of the *Local Government Regulation 2012* requires a local government to meet at least once in each month, at one of its public offices (unless otherwise decided by resolution of Council).

Section 274 of the Regulation states that Council meetings must be held in public unless Council has, by resolution, decided that the meeting should be closed under Section 275.

Section 277 of the *Local Government Regulation 2012* states that a local government must, at least once in each year, publish in a local newspaper, and on the local government's website, a notice of the days and times of its Ordinary meetings and meetings of its Standing Committees. The local government must also display in a conspicuous place in its public office, a notice of the days and times when its Ordinary meetings and meetings of its committees are to take place.

A list of items for the agenda is to be made available to the public at the time the agenda is made available to the Councillors.

Changes to the dates and times of the Ordinary meetings and meetings of Standing Committees should also be published in the local newspaper and on Council's website and by notice in the Council's public office.

RECOMMENDATION

"That:

1. Ordinary meetings of the Council be held twice a month on the first and third Wednesday of each month commencing at 9.00am unless otherwise determined by Council.
2. Unless otherwise determined by Council, all Ordinary meetings be held at the Council Chambers, Rankin Street, Mareeba.
3. Details of the Ordinary meeting schedule for 2016 be published in the local newspapers, on the MSC website and posted in Council Chambers.
4. The day and time of holding standing committee meetings (if applicable) to be determined."

257 Frequency and place of meetings

- (1) A local government must meet at least once in each month.
- (2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.
- (3) All meetings of a local government are to be held—
 - (a) at 1 of the local government's public offices; or
 - (b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

258 Notice of meetings

- (1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.
- (2) The written notice must state—
 - (a) the day and time of the meeting; and
 - (b) for a special meeting—the business to be conducted at the meeting.
- (3) A *special meeting* is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.
- (4) Despite subsection (1), the written notice must be given to each councillor of an indigenous regional council at least 4 days before the day of the meeting unless it is impracticable to give the notice.
- (5) The written notice may be given to a councillor by sending the notice to the councillor electronically.

[s 274]

- (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report;
- (b) the decision is inconsistent with—
 - (i) the policy or approach ordinarily followed by the local government for the type of decision; or
 - (ii) a policy previously adopted by the local government by resolution, whether or not as required by the Act, and still in force.

Examples of decisions to which this section might apply—

- the grant of a licence, permit or approval, however named, under an Act or local law
 - the grant of a concession, rebate or waiver in relation to an amount owed to the local government
 - the disposal of land or a non-current asset
- (2) An *advisor*, of a local government, is a person—
 - (a) who is an employee of the local government or is otherwise engaged to provide services to the local government; and
 - (b) whose duties include giving a recommendation or advice.
 - (3) The chief executive officer must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice.

274 Meetings in public unless otherwise resolved

A meeting is open to the public unless the local government or committee has resolved that the meeting is to be closed under section 275.

[s 277]

- (3) A councillor taking part in a meeting by teleconferencing is taken to have attended the meeting if—
 - (a) the councillor was simultaneously in audio contact with each other person at the meeting; and
 - (b) the local government approved the teleconferencing arrangement.

277 Public notice of meetings

- (1) A local government must, at least once in each year, publish a notice of the days and times when—
 - (a) its ordinary meetings will be held; and
 - (b) the ordinary meetings of its standing committees will be held.
- (2) The notice mentioned in subsection (1) must be published—
 - (a) in a newspaper circulating generally in the local government's area; and
 - (b) on the local government's website.
- (3) The local government must display in a conspicuous place in its public office a notice of the days and times when—
 - (a) its meetings will be held; and
 - (b) meetings of its committees will be held.
- (4) The local government must immediately notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.
- (5) A list of the items to be discussed at a meeting mentioned in subsection (3) must be available for inspection at the time the agenda for the meeting is made available to councillors.
- (6) The local government may publish the list of items to be discussed at a meeting, including any details or documents relating to an item, on the local government's website.

COUNCILLOR EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES

BACKGROUND

Section 250 of the *Local Government Regulation 2012* requires that a local government must adopt an expenses reimbursement policy which provides for:

- (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.

The adopted policy can be amended, by resolution, at any time and must be able to be inspected and a copy purchased by the public at the local government's public office and also published on the local government's website.

The attached Councillor Remuneration, Expenses Reimbursement and Resources Policy was adopted by the previous Council on 19 March 2014 and was then amended on 2 July 2014 to include provisions relating to payment of the meeting fee component of remuneration to Councillors.

As per Section 6 of the policy (Review), the policy is to be reviewed within six months of each quadrennial election.

Given that in its 2015 remuneration review, the Local Government Remuneration and Discipline Tribunal amended the Council categories for remuneration purposes and elevated the Mareeba Shire to the new Category 2 level, there is no longer the requirement (from 1 July 2016) for remuneration paid to MSC Councillors to be split into a base component and a meeting fee component. This requirement now only applies to Category 1 Councils and the attached policy has therefore been amended to remove the provisions relating to payment of a base component and a meeting fee component that were included on 2 July 2014.

RECOMMENDATION

"That the attached Councillor Remuneration, Expenses Reimbursement and Resources policy be adopted."

of remuneration payable to the councillor under the remuneration schedule.

- (5) The amount of remuneration for each councillor, other than a mayor or deputy mayor, must be the same.
- (6) The local government must make a resolution under subsection (2) within 90 days after each remuneration schedule is published in the gazette.
- (7) Subsections (4) and (5) are subject to section 248.

248 Submission to vary remuneration in exceptional circumstances

- (1) This section applies if a local government considers that, having regard to exceptional circumstances, a councillor of its local government is entitled to an amount of remuneration that is more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.
- (2) The local government may make a submission to the tribunal for approval to pay the councillor an amount of remuneration of more than the maximum amount (a *higher amount*).
- (3) The tribunal may, but is not required to, consider the submission.
- (4) If the tribunal is satisfied that, having regard to the exceptional circumstances, the councillor is entitled to be paid any higher amount, the tribunal may approve payment of that amount.

Division 2 Reimbursement of expenses and provision of facilities

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

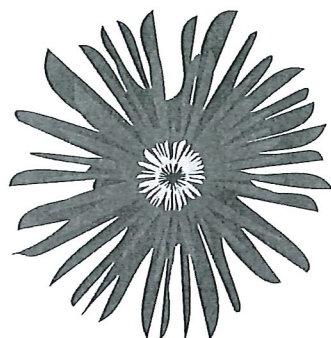
- (1) A local government must adopt an expenses reimbursement policy.
- (2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

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 can not 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.



Mareeba

SHIRE COUNCIL

Councillor Remuneration, Expenses Reimbursement and Resources Policy

Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version:	3
Identifier:		Policy Section:	Council and Councillors
Date Adopted:	6 April 2016	Review Date:	6 April 2020
Author:	Chief Executive Officer	Review Officer:	Manager Development & Governance

Update History:

Version #	Revised by:	Comment
1	Alan Lambert	Original version adopted by Council 19 March 2014
2	Alan Lambert	2 July 2014 - revised to include provisions relating to payment of meeting fee component of remuneration to Councillors
3	Alan Lambert	6 April 2016 - revised to delete provisions relating to payment of meeting fee component of remuneration to Councillors. Amendment also made to s. 5.14 re Mayor attendance at LGAQ/other conferences and seminars

CONTENTS

1.	POLICY INTENT.....	1
2.	STATEMENT OF PRINCIPLES	1
3.	SCOPE.....	1
4.	BACKGROUND / SUPPORTING INFORMATION	1
5.	POLICY STATEMENT.....	2
5.1	Remuneration.....	2
5.2	Expenses.....	2
5.3	Vehicles	3
5.4	Travel bookings.....	4
5.5	Travel transfer costs.....	4
5.6	Accommodation.....	5
5.7	Meals	5
5.8	Incidental allowance	5
5.9	Additional expenses for Mayor	5
5.10	Provision of facilities	6
5.11	Private use of council owned facilities	6
5.12	Administrative tools.....	6
5.13	Insurance cover	7
5.14	Professional development	8
6.	REVIEW.....	8

1. POLICY INTENT

The purpose of the policy is to ensure that elected members can receive reimbursement of reasonable expenses and be provided with the necessary facilities to perform their role. The policy will ensure accountability and transparency in the reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors.

The policy also includes details of how the remuneration payable to local government Councillors is determined by the Local Government Remuneration and Discipline Tribunal.

2. STATEMENT OF PRINCIPLES

This policy is consistent with the local government principles as set out in the *Local Government Act 2009*:

- Transparent and effective processes, and decision making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Democratic representation, social inclusion and meaningful community engagement;
- Good governance of, and by, local government; and
- Ethical and legal behaviour of Councillors and local government employees.

3. SCOPE

This policy applies to the Mayor, Deputy Mayor and Councillors of the Mareeba Shire.

4. BACKGROUND / SUPPORTING INFORMATION

A local government is required to adopt an expenses reimbursement policy in accordance with the relevant provisions of the *Local Government Regulation 2012*.

The adopted policy can be amended, by resolution, at any time and must be able to be inspected and a copy purchased by the public at the local government's public office and also published on the local government's website.

In order to provide clarity around the provisions of the policy, the following will apply:

Council business will include attendance at any official meeting of the Council, including the meetings of any Committee appointed by the Council under the relevant section of the *Local Government Regulation 2012*, Councillor forums and workshops and meetings of any external agency, committee, board or organisation on which Council input or representation is desirable and to which a Councillor has been appointed by formal resolution of the Council.

Council business also includes attendance at meetings and functions of community groups and organisations which Councillors have been formally requested or appointed to attend in an official capacity. It should be noted, however, that Council business should result in a benefit being achieved either for the local government and/or the local government area. Council may decide that this extends to performing civic ceremony duties such as opening a school fete, however, participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.

5. POLICY STATEMENT

5.1 REMUNERATION

In accordance with the relevant provisions of the *Local Government Act 2009*, the Local Government Remuneration and Discipline Tribunal is responsible for:

- a. Establishing the categories of local governments; and
- b. Deciding which categories each local government belongs to; and
- c. Deciding the remuneration that is payable to the Councillors in each of those categories.

In accordance with the relevant sections of the *Local Government Regulation 2012*, the Tribunal must, on or before 1 December each year and for each category of local government, decide and publish in the Gazette the remuneration schedule that may be paid from 1 July of the following year to a Mayor, Deputy Mayor or a Councillor of a local government in each category.

The remuneration may include, or may separately provide for, remuneration for the duties a Councillor may be required to perform if the Councillor is appointed to a committee, or as chairperson or deputy chairperson of a committee, of a local government.

The remuneration fixed by the Tribunal is all inclusive and no additional remuneration is payable for sick leave, annual leave, or any other benefits otherwise applicable to employees other than superannuation. The remuneration can not include any amount for expenses to be paid or facilities to be provided to a Councillor under the expenses reimbursement section of this policy.

The maximum amount of remuneration payable to a Councillor, as determined by the Tribunal, must be paid to the Councillor unless the local government decides, by resolution, not to pay the maximum amount.

Any resolution not to pay the maximum amount must be made within 90 days after each remuneration schedule is published in the Gazette. Apart from a resolution not to pay the maximum amount, there are no other resolutions required of Council in relation to remuneration and the schedules published by the Tribunal apply automatically from the 1 July in each year.

The Tribunal has determined that the Mareeba Shire Council will be a Category 2 Council as from 1 July 2016.

5.1.1 Superannuation and tax

The Council may, by unanimous Council resolution, elect to be an "eligible local governing body". This empowers the withholding of Councillors' income tax and automatic payment of the superannuation guarantee contribution.

5.2 EXPENSES

5.2.1 Payment of Expenses

Reimbursement of expenses will be paid to a Councillor through administrative processes approved by the Council's Chief Executive Officer (CEO) subject to:

- the limits outlined in this policy and
- Council endorsement by resolution.

The administrative process for payment of expenses is:

- Councillors complete the Councillor Expenses Reimbursement Voucher, attaching copies of supporting documentation such as log book extracts and receipts;

- Completed forms submitted to the CEO for approval;
- Office of the CEO forwards approved forms to accounts payable.

5.2.2 Travel as required to represent Council

Council will reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, motor vehicle, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a Councillor is an official representative of Council; and / or
- the activity/event and travel have been endorsed by resolution of Council or approved by the Mayor and/or the CEO.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport.

5.3 VEHICLES

5.3.1 Use of council vehicles on council business

A Council vehicle will be provided for exclusive use by the Mayor and other Councillors may have access to a Council vehicle, as required (and if available at the time), for official Council business. A Councillor wishing to use a Council vehicle for Council business must submit a request to the Chief Executive Officer at least two (2) days prior to use, except in exceptional circumstances as determined between the Councillor, Mayor and CEO.

5.3.2 Private use of Council vehicles

Private use of Council owned vehicles is only permitted if prior approval has been granted by resolution of Council. Council will, in its resolution authorising private use, set out the terms for the Councillor to reimburse Council for the private use. Unless otherwise stated, reimbursement for private usage will be calculated on the basis of the number of private kilometres travelled as per log book substantiation, multiplied by the appropriate rate per business kilometre as determined by the Australian Taxation Office.

"Private use" in this context does not include incidental and occasional private use if the private destination is on a direct path between Council business destinations. In the case of the vehicle provided to the Mayor, home garaging is approved without the need for reimbursement.

Fuel costs

Fuel for a Council owned vehicle used for official Council business, will be provided or paid for by Council.

Fuel costs associated with use of a Councillor's private vehicle are covered by the private vehicle expenses reimbursement rates.

5.3.3 Use of a Councillor's private vehicle

A Councillor's private vehicle usage will be reimbursed by Council if the:

- travel within the region is required to conduct official Council business (this includes driving their own private vehicle to and from Council offices and use of their vehicle to carry out any inspections deemed necessary to fulfil their role as a Councillor, including inspections of roads, Council works and facilities, areas of complaint and development application proposals);
- travel outside the region has been endorsed by Council resolution or by the Mayor;
- claim for mileage is substantiated with log book details; and

- total travel claim, where applicable, does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers.

Reimbursement rates for business kilometres as published by the Australian Tax Office will be applied.

Private vehicle insurance is at the risk of the user for both private and business use.

NOTE: Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

5.3.4 Policy on vehicle use in cases of where high mileage travel

Reimbursement of private vehicle use is only cost effective under a certain threshold. This threshold is dependent on the type of vehicle; currently for a medium size sedan it is 12,600 km but will be reviewed on an ongoing basis to ensure the most cost efficient method is used.

Where Councillors are expected to, or do, travel over the annual threshold, they can, by request to the Mayor, be provided with a Council vehicle under the same terms and conditions as the Mayor instead of being reimbursed a kilometre allowance. This will also be dependent on the availability of a Council vehicle.

In the event that a Council vehicle is allocated to a Councillor as a result of this clause, this allocation will be reviewed quarterly to ensure that the threshold is still being exceeded. A logbook must be maintained at a standard that the ATO will accept to negate any FBT liability.

5.3.5 Car parking amenities

Council will reimburse Councillors for parking costs paid by Councillors while attending to official Council business.

5.4 TRAVEL BOOKINGS

All Councillor travel approved by Council will be booked and paid for by Council, unless travelling by private or Council vehicle. Wherever possible, payment for such travel will be made by Council in advance.

Economy class is to be used where possible although Council may approve business class in certain circumstances.

Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses. (e.g. cost of partner or spouse accompanying the Councillor).

Council will pay for reasonable expenses incurred for overnight accommodation when a Councillor is required to stay outside the Mareeba Shire Council local government area.

5.5 TRAVEL TRANSFER COSTS

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed.

Example: Trains, taxis, buses and ferry fares.

Cab charge vouchers may also be used if approved by Council where Councillors are required to undertake duties relating to the business of Council.

5.6 ACCOMMODATION

All Councillor accommodation for Council business will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four star rating. Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event. Should more than one Councillor attend the same event, Council will book and pay for a separate accommodation room for each attending Councillor.

5.7 MEALS

Council will reimburse the reasonable cost of meals for a Councillor where a Councillor:

- incurs the cost personally; and
- is not provided with a meal:
 - within the registration costs of the approved activity/event;
 - during an approved flight; and
- produces a valid tax invoice.

Council will reimburse the actual cost of meals, however the current Australian Taxation Office determination in this regard will be considered with regard to the reasonableness of the claim.

If a Councillor, for some legitimate reason, is unable to produce a tax invoice and seeks reimbursement for meals while attending official Council business, he/she may claim up to a maximum of the following meal allowance amounts (noting this can only occur when the meal was not provided within the registration costs of the approved activity/event):

Breakfast	\$23.00	Applies if the Councillor is required to depart their home prior to 6.00am
Lunch	\$25.00	
Dinner	\$43.00	Applies if the Councillor returns to their home after 9.00pm

No alcohol will be paid for by Council.

Should the Councillor choose not to attend a provided dinner/meal, then the full cost of the alternative meal shall be met by the Councillor.

5.8 INCIDENTAL ALLOWANCE

Up to \$20 per day may be paid by Council to cover any incidental costs incurred by Councillors required to travel, and who are away from home overnight, for official Council business.

5.9 ADDITIONAL EXPENSES FOR MAYOR

5.9.1 Hospitality

Council may reimburse the Mayor up to \$1,000 per annum for hospitality expenses deemed necessary in the conduct of Council business (excluding civic receptions organised by Council).

To claim, the Mayor must provide a written statement of whom he/she entertained and an indication of the costs. Receipts, if available, should be provided but are not mandatory.

5.10 PROVISION OF FACILITIES

Council will provide facilities for the use of Councillors in the conduct of their respective roles within Council.

All facilities provided to Councillors remain the property of Council and must be returned to Council when a Councillor's term expires.

5.11 PRIVATE USE OF COUNCIL OWNED FACILITIES

The facilities provided to Councillors are to be used only for Council business unless prior approval has been granted by resolution of Council.

The Council resolution authorising private use of Council owned facilities will set out the terms under which the Councillor will reimburse Council for the percentage of private use.

5.12 ADMINISTRATIVE TOOLS

Administrative tools will be provided to Councillors as required to assist Councillors in their role.

Administrative tools include:

- office space (where available) and meeting rooms
- computer/laptop
- stationery including business cards
- access to photocopiers, printers, fax and/or scanner, shredder
- name badge
- necessary safety equipment for use on official business (eg safety helmet, boots, safety glasses)
- use of Council landline telephones and internet access in Council offices
- any other administrative necessities which Council resolves are necessary to meet the business needs of Council

Secretarial support may also be provided for the Mayor and Councillors, within the existing staff structure, by Council resolution.

Each Councillor will be provided with a single standard laptop that can be used both at the Council work location and at the Councillor's home office. Each laptop will be loaded with the Microsoft Office Suite and email software.

In recognition of the fact that office space within Council facilities is limited and that use of technology such as internet and electronic distribution of agendas and minutes is generally more efficient and practical than requiring Councillors to travel to the Council administration centre to undertake the day to day tasks associated with their role, Council will ensure that appropriate home office facilities are provided for Councillors.

Accordingly, Council will supply and pay for an internet and land based phone line at the Councillor's residence. An individual combination printer/scanner/fax may also be provided for home office use if required.

Council will pay the installation costs (if required) and the monthly costs for the line rental and current internet package. The amount paid will be based on the Telstra Home Broadband S package (currently valued at \$73 per month).

iPad

To further enhance the ability of Councillors to communicate electronically with Council, particularly email communication and distribution of agendas, minutes and other information, Council will pay for the purchase of an iPad and associated internet usage via a monthly package arrangement. The package will be to the value of Telstra Mobile Package M (currently \$56 per month or as amended from time to time by the CEO as required).

The Councillor is to arrange the purchase of the iPad and appropriate monthly data plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

Alternatively, Councillors may elect to have an iPad supplied to them by Council and connected to a Council arranged monthly data plan.

Mobile Phone

As per the above arrangements for supply of an iPad for Councillors' use, Council will also pay the costs of a mobile phone package for Councillors.

The package will be to the value of Telstra Mobile Package XL (currently \$134 per month or as amended from time to time by the CEO as required).

The Councillor is to arrange the purchase of the phone and appropriate monthly phone plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

Alternatively, Councillors may elect to have an iPhone supplied to them by Council and connected to a Council arranged monthly phone plan. Where this option is chosen, an amount of \$240 per annum will be deducted from the remuneration payable to the Councillor/s concerned to cover the cost of any private usage of the Council phone unless a Statutory Declaration is signed undertaking not to use the phone for private calls.

General

All Council supplied electronic devices are provided under Council's policies relating to computer use, security and internet and email usage. Supplied devices will be supported and maintained through Council's IT Request Tracker system within standard business hours.

Where required, training in the use of the equipment/software that has been provided by Council will be available.

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council owned equipment that is supplied to Councillors for official business use.

5.13 INSURANCE COVER

Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors liability and personal accident.

Council will pay the excess for injury claims made by a Councillor resulting from conducting official Council business and on any claim made under insurance cover.

Council will cover costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her civic functions. Where it is found that a Councillor breached the provisions of the Local Government Act or that the conduct the subject of investigation, hearings or legal proceedings was intentional, deliberate, dishonest, fraudulent, criminal or malicious, the Councillor will reimburse Council for all associated costs incurred by Council.

5.14 PROFESSIONAL DEVELOPMENT

Where Council resolves that all Councillors are to attend training courses, workshops, seminars and conferences that are related to the role of a Councillor (mandatory professional development), Council will reimburse the total costs of their attendance at the nominated events.

In addition, where a Councillor identifies a need to attend a conference, workshop or training to improve skills relevant to their role as a Councillor (discretionary professional development), expenses will be reimbursed as per Council resolution on a case by case basis. The Mayor may attend any LGAQ conference/seminar or other relevant conference as Council's representative as required.

Councillors desirous of undertaking either mandatory or discretionary professional development should advise the CEO of their interest in attending a specific training course, workshop, seminar or conference and the CEO will provide a report to Council seeking Council endorsement of attendance at the event.

6. REVIEW

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 within six months of each quadrennial election.

REQUESTS BY COUNCILLORS FOR ADVICE OR INFORMATION FROM STAFF

The *Local Government Act 2009* sets out procedures to be followed by Councillors in requesting advice or information from Council staff.

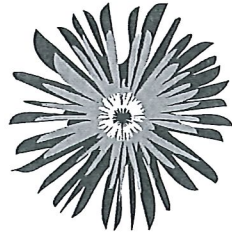
Such requests must comply with the acceptable requests guidelines. The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—

- a. the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Act; and
- b. reasonable limits on requests that a councillor may make.

The attached Guideline, adopted by the previous Council on 2 April 2014, has been reviewed and amended, mainly in relation to the staff members within the Corporate & Community Services Department who are able to be approached directly by councillors for advice or information.

RECOMMENDATION

"That Council adopt the attached Guideline relating to Requests by Councillors for Advice or Information from Staff."



Mareeba
SHIRE COUNCIL

GUIDELINE

REQUESTS BY COUNCILLORS FOR ADVICE OR INFORMATION FROM STAFF

Section 170A of The Local Government Act 2009

Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version:	1
File ref:		Policy Section:	Council and Councillors
Date Adopted:	2 April 2014	Review Date:	2 April 2017
Author:	Chief Executive Officer	Review Officer:	CEO - Office of the CEO

CONTENTS

GUIDELINE	1
REQUESTS BY COUNCILLORS FOR ADVICE OR INFORMATION FROM STAFF	1
1. POLICY INTENT	1
2. SCOPE	1
3. BACKGROUND/SUPPORTING INFORMATION	1
4. POLICY STATEMENT	3
4.1 Requirements:	3
5. REVIEW	4

1. GUIDELINE INTENT

This guideline is made by the Council pursuant to Section 170A of the *Local Government Act 2009* and sets out the requirements Councillors must follow when seeking advice or information from an employee.

2. SCOPE

This guideline applies to all Councillors and staff of Mareeba Shire Council.

3. BACKGROUND/SUPPORTING INFORMATION

Section 13(3)(f) of the *Local Government Act 2009* provides that the Chief Executive Officer has, inter alia, the following responsibilities: -

- (f) complying with requests from Councillors under section 170A—
 - (i) for advice to assist the Councillor carry out his or her role as a councillor; or
 - (ii) for information, that the local government has access to, relating to the local government.

Section 170A of the *Local Government Act 2009* provides as follows:—

- (1) A councillor may ask a local government employee provide advice to assist the councillor carry out his or her responsibilities under this Act.
- (2) A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

- (3) Subsection (2) does not apply to information—
 - (a) that is a record of the regional conduct review panel or the tribunal; or
 - (b) if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or
 - (c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- (4) A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
- (5) Subsection (4) does not apply to—
 - (a) the mayor; or
 - (b) the chairperson of a committee of the council if the request relates to the role of the chairperson.

(6) The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—

- (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
- (b) reasonable limits on requests that a councillor may make.

(7) In this section a **local government employee** includes a person prescribed under a regulation.

(8) The chief executive officer must make all reasonable endeavours to comply with a request under subsection (2).

Maximum penalty for subsection (8)—10 penalty units.

The requirement to direct all Councillor requests for advice or information through the Chief Executive Officer is impractical. As noted above, section 170A enables guidelines to be implemented for this necessary Councillor/employee interaction.

Councillors are also reminded of the provisions of Sections 171 and 171A of the *Local Government Act 2009* with regard to this information.

171 Use of information by councillors

(1) A person who is, or has been, a councillor must not use information that was acquired as a councillor to—

- (a) gain, directly or indirectly, a financial advantage for the person or someone else; or
- (b) cause detriment to the local government.

Maximum penalty—100 penalty units or 2 years imprisonment.

(2) Subsection (1) does not apply to information that is lawfully available to the public.

(3) A councillor must not release information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

Note—

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.

171A Prohibited conduct by councillor in possession of inside information

(1) This section applies to a person (the **insider**) who is, or has been, a councillor if the insider—

- (a) acquired inside information as a councillor; and
- (b) knows, or ought reasonably to know, that the inside information is not generally available to the public.

(2) The insider must not cause the purchase or sale of an asset if knowledge of the inside information would be likely to influence a reasonable person in deciding whether or not to buy or sell the asset.

Maximum penalty—1000 penalty units or 2 years imprisonment.

- (3) The insider must not cause the inside information to be provided to another person the insider knows, or ought reasonably to know, may use the information in deciding whether or not to buy or sell an asset.

Maximum penalty—1000 penalty units or 2 years imprisonment.

- (4) In this section—

cause, in relation to an action, includes the following—

- (a) carry out the action;
- (b) instigate the action;
- (c) direct, or otherwise influence, another person to carry out or instigate the action.

corporate entity means a corporation that is owned by the local government.

inside information, in relation to a local government, means information about any of the following—

- (a) the operations or finances of the local government (including any business activity of the local government) or any of its corporate entities;
- (b) a proposed policy of the local government (including proposed changes to an existing policy);
- (c) a contract entered into, or proposed to be entered into, by the local government or any of its corporate entities;
- (d) a tender process being conducted by or for the local government or any of its corporate entities;
- (e) a decision, or proposed decision, of the local government or any of its committees;
- (f) the exercise of a power, under a Local Government Act, by the local government, a councillor or a local government employee;
- (g) the exercise of a power, under an Act, by the State, a Minister, a statutory body or an employee of the State or statutory body, that affects the local government, any of its corporate entities or land or infrastructure within the local government's area;
- (h) any legal or financial advice created for the local government, any of its committees or any of its corporate entities.

4. GUIDELINE STATEMENT

4.1 REQUIREMENTS:

In addition to the CEO, Councillors may request advice to assist the Councillor carry out his or her duties, or for information the Local Government has access to, from the following employees: -

Department	Position
Office of the Chief Executive Officer	Media and Events Officer

	Mayor's or CEO's Personal Assistant
Corporate & Community Services	Director
	Manager Development & Governance
	Governance & Compliance Adviser
	Manager Finance
	Manager Systems & Customer Service
	Manager Community Wellbeing
	Manager Organisational Development
Infrastructure Services	Director
	Manager Water and Waste
	Manager Technical Services
	Manager Works

A Councillor's request for advice from, or provision of information by, an employee must be made in accordance with the following: -

- Councillors' requests for advice or information must be made in writing (e.g. letter, memo, facsimile or email) unless otherwise approved by the CEO.
- Councillors have access to Council corporate ICT systems and information should be sought from these before requests for information are made to staff.
- Councillors' requests for advice or information must not take the form of an attempt to direct or pressure a staff member to prepare a response in a certain manner, nor should a request be in such a form that it may be taken as an instruction.
- When making requests for advice or provision of information, Councillors must copy all requests under these guidelines to the Mayor, Chief Executive Officer and, where the staff member is not the Director, then the respective Director.
- Councillors must inform the Chief Executive Officer if they believe a staff member has not appropriately responded to a request made under these guidelines.

5. REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this guideline and recommend appropriate changes. This guideline will be formally reviewed every year or as required by Council.

This guideline is to remain in force until otherwise determined by Council.