

## Councillor Remuneration, Reimbursement and Facilities Provision Policy

<b>Responsible Manager:</b>	Manager, Governance and Compliance
<b>Head of power:</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by:</b>	Council
<b>Authorised on:</b>	27 June 2023
<b>Implemented from:</b>	June 2023
<b>Last reviewed:</b>	June 2023
<b>Review history:</b>	2020, 2021, 2022, 2023
<b>To be reviewed:</b>	June 2024
<b>Corporate Plan:</b>	People, Sustainability and Prosperity

## 1. Purpose

To clarify the extent of remuneration, expense reimbursement and support provided to Torres Strait Island Regional Council Councillors.

## 2. Application

This policy applies to all duly elected representatives of Torres Strait Island Regional Council.

## 3. Legislation

In accordance with section 250 of the Local Government Regulation 2012 (Regulation) Council must prepare an Expenses Reimbursement Policy and adopt this by resolution. The discussion and resolution of this policy must be conducted in open session.

The policy must provide for:

- Payment of reasonable expenses incurred, or to be incurred, by Councillors discharging their duties and responsibilities as councillors; and
- Provision of facilities to the councillors for the purpose of discharging their duties and responsibilities as councillors.

## 4. Councillor Remuneration

Pursuant to section 247 of the *Local Government Act 2009*, a local government must pay remuneration to each councillor.

In accordance with section 177 of the *Local Government Act 2009*, the Local Government Remuneration Commission is responsible for deciding the maximum amount of remuneration that is payable to Councillors. The Commission must annually decide and publish the maximum amount of remuneration payable from 1 July of the following year to a Mayor, Deputy Mayor or a Councillor of a local government.

As required by section 246 of the Regulation the Local Government Remuneration Commission have prepared a remuneration schedule for the 2023/24 Financial Year:

Position	Remuneration amount (effective 1 July 2023)
Mayor	\$114,801
Deputy Mayor	\$66,231
Councillor	\$57,400*

\*The Commission has determined that for Category 1 Councils, including Torres Strait Island Regional Council, Councillors remuneration will be paid a base salary of \$38,266.67 (50%) from 1 July 2023 and a meeting fee of \$1,594.44 per calendar month is payable for attendance at, and participation in, scheduled Council meetings. The Mayor and/or Chief Executive Officer must certify the attendance and participation. This determination does not include the Mayor and the Deputy Mayor, who are to receive the full annual remuneration.

The remuneration fixed above 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. Remuneration payments are made in fortnightly instalments.

Councillors who serve only part of a given financial year, shall receive remuneration pro-rata only.

#### **4.1 Advance Payment**

Meaning in this section:

**Advance Payment** means a payment of a Councillor's base salary in advance of when it is due to be paid.

This section applies to Advance Payments and the circumstances in which an Advance Payment may be paid to a Councillor on approval from the Chief Executive Officer. Any requests by Councillors which do not meet the requirements of this Policy will need to go to a Council meeting.

Upon a request being received by a Councillor, the Chief Executive Officer may approve for payment to a Councillor an Advance Payment if:

- a. the Chief Executive Officer is satisfied that the Advance Payment is for:
  - financial hardship;
  - emergency relief; or
  - for another genuine reason
- b. a Councillor has made the request in writing and has provided the information required to complete the Advance Payment Repayment Form demonstrating how it is intended to be repaid (attached as Appendix A to this Policy);
- c. the payment of an Advance Payment is not requested to be made within the first two months of the Councillor's term;
- d. the payment of an Advance Payment is not requested to be made within the last six months of the Councillor's term;
- e. the total of Advance Payment/s made to any one Councillor does not exceed one fortnight's base salary.

All Advance Payments are to be repaid to Council by the Councillor within the following fortnightly pay period for the Councillor.

The Chief Executive Officer, may at the Chief Executive Officer's discretion, request a Councillor to produce material to substantiate their application for an Advance Payment which the Chief Executive Officer considers relevant to their assessment.

The Chief Executive Officer, in their discretion, can refuse any application by a Councillor for an Advance Payment whatsoever. Any approval given by the Chief Executive Officer must be in writing.

This section only applies to an Advance Payment, relating to a Councillor's base salary component, and does not cover or permit any other advance. To avoid any doubt, a Councillor's meeting fee component cannot be paid in advance.

Before any Advance Payment is made a signed copy of the Advance Payment Repayment Form must be provided.

#### **4.2 Tax**

At the beginning of each financial year, Councillors must nominate a tax withholding amount to be applied by Council.

#### **4.3 More than one meeting per month**

If there are two or more meetings scheduled in a given calendar month, Councillors shall be required to meet, attend and participate in each meeting in order to be entitled to the meeting fee for that month. If a particular meeting commences in one calendar month and continues into the next calendar month, the meeting is treated as having taken place in the calendar month in which the meeting commenced.

#### **4.4 Attendance at Meetings**

There is a requirement that the Councillor attend the whole of the monthly meeting to ensure that the meeting fee is paid, unless there is an emergency circumstance approved by the Mayor and Chief Executive Officer. The payment for partial attendance approval via emergency circumstances will be by a formal approval by the Mayor and Chief Executive Officer.

#### **4.5 Approved Leave & Sitting Fees in Absentia**

Council will pay the monthly meeting fee to a Councillor (other than the Mayor and Deputy Mayor) who is absent from the monthly meeting only following approval being granted by resolution at that meeting and only for the following reasons:

- a. Death of an immediate family member or Community Elder
- b. Personal or health reasons
- c. Councillor attending other previously approved official Council business
- d. Councillor or immediate family member is unwell or needing urgent medical attention 5. Councillor is required to attend court or tribunal as a witness
- e. Attending community business as a Councillor
- f. As a result of a natural disaster
- g. Any other reason at discretion of Council.

The leave application must be provided in writing to the Mayor and Chief Executive Officer at least 5 days prior to the meeting. A leave application provided at any time prior to the meeting will be considered if the request is made within 24 hours of the relevant event that prevents attendance occurring. The notice must set out the circumstances and reasons for the non-attendance and contain an application for paid leave. A Councillor can choose to submit an apology and decline the meeting fee (unpaid leave).

The relevant resolution shall state whether or not the absent Councillor will be paid the meeting fee.

Council retains the discretion to approve the payment of the meeting fee, even if the Councillor's application is late or outside these policy guidelines. When exercising its discretion on approving the payment of the meeting fee:

- Council will take into account the number of meetings the Councillor has been absent from and the reasons for such absence; and
- Council will not consider it relevant to its discretion, that the Councillor shall receive remuneration from another source for the period of absence from the Council meeting.

#### **5. Provision of Facilities and Support**

Certain equipment separately identified in this policy is provided to the Councillor once; and will remain the property of the Councillor upon the completion of the entire term of Council. All other equipment and facilities not separately identified remain the property of Council and must be returned to Council when a Councillor's term expires.

##### **5.1 Private use of Council owned facilities**

Based on the principle, that no private benefit is to be gained, the facilities provided to Councillor's by Council owned facilities are to be used only for Council business unless prior approval has been granted by resolution of Council.

##### **5.2 Office Facilities**

Councillors will be provided with the following facilities and support:

**Mayor:** Separate office accommodation on home island, Thursday Island and in Cairns Office with Secretarial and Executive Assistant Support

**Deputy Mayor and Councillors:** Office accommodation and administrative support in accordance with the established staff structure and Council's Communications Guidelines (Acceptable Request Guidelines) on the Councillor's home island.

Councillors are provided with access to shared facsimile, scanner, printer, photocopier and paper shredder for business use.

Use of Council landline telephones and internet access in Council offices for Council business.

##### **5.3 Uniform Provision**

The Council will provide Councillors with a Council uniform allocation, aligned to the general employee uniform allowance.

## **5.4 Motor Vehicles**

On the choice of the Mayor or Councillor Council will provide a 2WD dual cab utility or similar vehicle dependent upon availability on a full private use basis, that being, any member of the Councillor's family with a current driver's licence can drive this vehicle and transport passengers.

The Councillor will pay \$25 a week as hire and provide all fuel.

The Council will be responsible for the routine maintenance and insurance of the vehicle and all fair wear and tear repairs. Where repairs are required other than as a result of fair wear and tear, the Councillor will pay the full cost (including any freight costs) of rectification or, if the vehicle cannot be repaired, replacement of the vehicle. Repair or replacement must be carried out in a timely manner– within two months of damage being identified, or as soon as reasonably practicable.

Vehicle hire may be suspended for a period of time where the vehicle is taken out of operation for repairs and maintenance and an alternative vehicle is not available.

Motor vehicles will not be allocated to Councillors with outstanding unpaid charges for maintenance and unfair wear and tear repairs from previous hire arrangements through Council.

Council shall retain property in the vehicle. At the end of the Councillor's term the vehicle shall be returned to Council in the same condition as when the vehicle was provided, subject to fair wear and tear.

A Councillor will not be entitled to access any other Council vehicle, for Council business or private use.

## **5.5 Computers and Telecommunication**

Council will only provide one mobile phone handset and one piece of portable IT hardware equipment to a Councillor at the start of their term of office. At the conclusion of the term these items will become the property of the Councillor. Any Councillor who is suspended or disqualified during their term of office must return all hardware to Council.

A standard suite of Council software will be provided with each piece of portable IT hardware equipment issued to the Councillor. Any additional software provision and/or installation will be at the discretion of the Chief Executive Officer and must comply with licencing and ICT Standard Operating Environment Procedure. This software will be removed at the end of the Councillor's term.

Support for the Council supplied IT hardware will be provided through the Information Services Helpdesk (within standard business hours). If rectification requires more than phone support the Council provided IT hardware must be returned to the Cairns office by the Councillor.

Any lost, damaged, stolen or superseded devices will be repaired or replaced by Council at the sole discretion of the Chief Executive Officer, who shall consider the reasonableness of the request.

Use of IT equipment provided by Council must comply with IT Policy and Procedures and in particular the ICT Acceptable Use Procedure.

A voice and data plan will be paid for by Council for business use only during the term of the Councillor.

## **5.6 General legal advice**

General legal advice is available to Councillors on Council-related matters. Legal advice is provided by Council's Legal Services Team.

## **6. Reimbursement of Expenses**

### **6.1 Representing Council**

Where Council resolves, or the Mayor and Chief Executive Officer consider relevant, that Councillors are required to attend study tours, conferences or workshops to either deliver a paper, to receive knowledge or as a delegate of Council; Council will pay for or reimburse expenses, associated with attending the event since participation is part of the business of Council.

Each Councillor who attends an event on behalf of Council must provide a written report to the whole Council at the second ordinary meeting after the event and a verbal report upon request.

- Mandatory professional development

Where Council resolves or the Mayor and Chief Executive Officer consider, that all Councillors are to attend training courses or workshops for skills development related to a Councillor's role, the Council will pay for or reimburse expenses, being the total cost of the course plus associated expenses.

- Discretionary professional development

Where a Councillor identifies a need to attend a conference, workshop or training to improve skills, other than mandatory training, Council will pay for or reimburse expenses to a maximum of \$5,000 per financial year. The professional development must be related to the skill development of the Councillor in their capacity as Councillor.

### **6.2 Travel as required to represent Council**

A local government may pay for or reimburse local, interstate and overseas travel expenses (e.g. flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a. A Councillor is an official representative of Council; and
- b. The activity/event and travel have been endorsed by resolution of Council; or
- c. The Mayor and Chief Executive Officer consider necessary to incur the travel on behalf of Council

Council will pay for reasonable expenses incurred for overnight accommodation. All travel expenses will be paid in advance of travel with any unused allowance recovered from future claims.

If a Councillor travels using their private vehicle, a log is to be kept of the kilometres travelled and the reimbursement will be on a cents-per-kilometre method in accordance with the Australian Taxation Office rulings for the engine capacity of the vehicle used. Claim can only be made to a maximum of 5,000 business kilometres per year per vehicle.

If a Councillor travels using a private vessel, reimbursement will be based on actual costs incurred (such as fuel costs). A log is to be kept and receipts provided to substantiate reimbursement of expenses. The claim must not exceed the cost of the same travel using economy flights plus taxi transfers.

#### Travel bookings

All Councillor approved air travel will be booked and paid for by Council. For the purpose of travelling for Council (not as a result of a third-party request and payment) economy class is to be used, however for journeys of two (2) hours or more, business class may be used where available.

Class of travel for third-party travel requests such as attendance at board or other meetings of the third party will be at the discretion of the Chief Executive Officer.

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.)



### Travel transfer costs

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed. For example: trains, taxis, buses and ferry fares as well as possible hire cars.

Cab charge fast cards may also be used where Councillors are required to undertake duties relating to the business of Council. Cab charge statements are reviewed monthly by Councils Senior Executive Assistant to the Mayor and Chief Executive Officer against approved Council travel dates.

On the mainland only, for travel periods of longer than 3 days, the Councillor has an option of obtaining a hire car. The hire car will be the equivalent of the Avis car classes being either Full Size or Standard class vehicle. This is to be arranged by Council. All fuel costs and non-direct hire costs (e.g. cleaning) associated with the hire car will be borne by the Councillor.

If the Chief Executive Officer considers it an operational advantage or that savings can be achieved by hiring a car, this is at the Chief Executive Officer's discretion.

In exceptional circumstances where there is no Council vehicle or taxi service reasonably available, a hire car may be approved, for travel periods of less than 3 days, at the Chief Executive Officer discretion.

Travel costs including car-hire, parking costs and fuel, when attending conferences, will be considered by the Chief Executive Officer on a case-by-case basis. For example: hire car including fuel and parking to attend a conference or other official Council business requiring road-based travel from the nearest airport.

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

Costs listed on invoices to Council which are not covered by the Council hire arrangement including fines, fees, refuelling, vehicle repairs and cleaning will be recovered by Council from the next payment made to the Councillor. A copy of the invoice will be forwarded to the Councillor to support the deduction made for the cost recoveries.

### Accommodation

Council will pay for the most economical deal available. Where possible, the minimum and maximum standard for Councillors' accommodation will be four (4) 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.

For Cairns events Council has a list of pre-qualified suppliers who offer accommodation services, Councillors will be able to make a choice from these suppliers.

Where a Councillor prefers to organise their own accommodation, an accommodation allowance will be paid as per the Australian Taxation Office Tax Determination for accommodation expenses current at the date of travel. This arrangement must be pre-approved by the Chief Executive Officer.

Tax withholding rate for non-commercial accommodation allowance is a minimum of 20%. If Councillor's ordinary withholding rate is higher than 20%, the tax withholding rate will be at the Councillor's ordinary rate.

### Meals

Council will provide an allowance for meals, in accordance with the Australian Taxation Office ruling on travel expenses current at the date of travel, for a Councillor when a meal is not provided:

- a. Within the registration costs of the approved activity/event
- b. During an approved flight
- c. Any time Councillor is on Council Business

No alcohol will be paid for by Council. If the Councillor is away from home or commences their travel before 8 am or concludes after 9am a breakfast entitlement is provided. If the Councillor is away from home or commences travel before 12 noon or concludes after 1pm a lunch entitlement is provided. If the Councillor is away from home or commences travel before 6 pm or concludes after 7pm a dinner entitlement is provided.

#### Incidental allowance

Payment will be made for any overnight travel only; the calculation is to pay on the first day of travel, on the last day of travel and for any day in between. In effect the minimum payment will be two days entitlement.

#### Reimbursement of Travel Costs

In the event that a Councillor is absent without approved leave, from a workshop, training or any organised Council business event for which travel costs have been incurred and/or travel allowance paid, the Councillor will be liable for reimbursement of travel costs and/or travel allowance paid.

### **7. Legal Representation for Councillors**

Councillors can seek legal representation by written request to the Chief Executive Officer in relation to a matter that arises from the Councillor's performance of his or her functions. Former Councillors may also request legal representation.

There are four major criteria for determining whether Council will pay the legal representation costs of a Councillor.

These are:

1. the legal representation costs must relate to a matter that arises from the performance, by the Councillor, of his or her functions;
2. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
3. in performing his or her functions, to which the legal representation relates, the Councillor must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
4. the legal representation costs do not relate to a matter that is of a personal or private nature.

If the above four (4) criteria are satisfied, Council may approve the payment of legal representation costs:

- where proceedings are brought against a Councillor in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Councillor; or
- to enable proceedings to be commenced and/or maintained by a Councillor to permit the Councillor to carry out his or her functions – for example, where a Councillor seeks to take action to obtain a restraining order against a person using threatening behaviour to the Councillor; or
- where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in Council by publicly making adverse personal comments about Councillors.



Council shall only approve the payment of legal representation costs if the Councillor has signed a written statement confirming that the Councillor:

- has acted in good faith, and has not acted unlawfully or in a way that constitutes corrupt conduct or misconduct, in relation to the matter to which the request for legal representation relates;
- has read, and understands, the terms of this Policy relating to legal assistance and associated costs;
- acknowledges that any approval of legal representation costs is conditional on the repayment provisions below and any other conditions to which the approval is subject; and
- undertakes to repay to Council any legal representation costs in accordance with the repayment provisions below. Council will not provide or fund legal advice or representation for Councillors in relation to personal or private matters.

Council will not, unless under exceptional circumstances, provide or fund legal advice or representation for a defamation action or a negligence action instituted by a Councillor.

Council will not, unless under exceptional circumstances, pay for legal advice or representation obtained by a Councillor where the Councillor has not obtained prior written approval from the Chief Executive Officer.

In assessing a request, Council may have regard to any insurance benefits that may be available to the Councillor under Council's insurance policies.

Council may:

- refuse;
- grant; or
- grant subject to conditions a Councillor's request for payment of legal representation costs.

Conditions may include, but are not restricted to:

- Council specifying who will provide the legal services (e.g. Council's Legal Services Division or an external law firm or legal services provider);
- a financial limit;
- a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs; and/or
- an obligation on the Councillor to act reasonably and to disclose to Council anything that could affect representation.

If Council approves a request for payment of legal representation costs, Council:

- shall confirm the scope of the approved legal representation;
- shall take advice on the estimated costs of the matter and set a limit on the costs to be paid by Council;
- shall require full and detailed accounts from the lawyer providing the legal representation to ensure that the representation complies with the scope of Council's approval;
- may make payment of approved legal representation costs either by a direct payment to the approved lawyer (or the relevant firm), or a reimbursement to the Councillor; and
- shall not make payment for any legal services that are outside the scope of Council's approval.

A Councillor may make a further request to Council in respect of the same matter.

Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

#### Repayment provisions

Council may, subject to below, determine that a Councillor whose request for legal representation costs has been approved, has (in respect of the matter for which legal representation costs were approved):

- not acted in good faith, or has acted unlawfully or in a way that constitutes corrupt conduct or misconduct; or
- given false or misleading information in respect of the request.

A determination under the above may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry. Where Council makes a determination under the above, the legal representation costs paid by Council are to be repaid by the Councillor:

- all or part of those costs – in accordance with a determination by Council as per above;
- as much of those costs as are available to be paid by way of set-off – where the Councillor receives monies paid for costs, damages or settlement in respect of the matter for which Council paid the legal representation costs.

Council may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

## **8. Insurance cover**

Councillors will be covered under relevant Council insurance policies while discharging civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors liability and personal accident.

Manager Responsible for Review:

Executive Director Corporate Services/Manager,  
Governance and Compliance

Adoption: 27 June 2023

James William

Due for Revision: June 2024



Chief Executive Officer

Appendix A (Torres Strait Island Regional Council Councillor Advance Payment Repayment Form)



## TORRES STRAIT ISLAND REGIONAL COUNCIL COUNCILLOR ADVANCE PAYMENT REPAYMENT FORM

ADVANCE PAYMENT REPAYMENT AUTHORITY FORM
<b>Surname or Family Name:</b>
<b>First Given Name:</b>
<b>Creditor ID:</b>
<b>Division:</b>

Councillor Authorisation
<p>I authorise and request Torres Strait Island Regional Council (TSIRC) to deduct the sum of \$ _____ from my fortnightly base salary which represents the total amount of Advance Payment.</p> <p>In the event that I cease being a Councillor for any reason before the total amount of the Advance Payment has been repaid, I agree that the entire remaining balance then owing is to be deducted from any monies which are or which may become payable to me.</p> <p><i>This authorisation is to remain in force until the Councillor has repaid the Advance Payment Amount.</i></p>
<p>Details/Comments</p>
<p>Frequency of repayment: Fortnightly base salary</p>

### INFORMATION PRIVACY STATEMENT

Your Personal Information is protected by law and can only be released to someone else where authorised by law or where you give your permission. Council is collecting your personal information contained in this document for the purpose of Councillor's Remuneration Payment. This collection of Personal Information is authorised by law under the *Local Government Act 2009*. It is Council's usual practice that the Personal Information contained in this document is disclosed to Queensland Audit Office or its Agent(s) as part of its regulatory requirements under the *Local Government Act 2009*. Council is aware that Queensland Audit Office and its Agent(s) may pass your Personal Information on to the Department of State Development, Infrastructure, Local Government and Planning as part of its own regulatory requirements.

Councillor Signature: \_\_\_\_\_ Date:    /       /