

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)

#1 Policy: 2150-004 - Acceptable Requests by Councillors for Advice or Information



Policy: 2150-004

Acceptable Requests by Councillors for Advice or Information

Head of Power

Local Government Act 2009

Related Legislation

Public Sector Ethics Act 1994
Local Government Regulation 2012

Objective

The objective of this Policy is to provide guidelines in accordance with section 170A of the *Local Government Act 2009* about the way in which a Councillor can request advice from a Council employee, or information from the Chief Executive Officer in order to assist the Councillor in carrying out their responsibilities, and the reasonable limits on those requests.

Definitions

CEO means Council's Chief Executive Officer.

Employee means all employees of Council, whether employed on a permanent, temporary, or part-time basis.

Application

This Policy applies to requests made by Councillors to employees for advice, or to the Chief Executive Officer for information. This Policy does not apply to the Mayor.

Policy Statement

Requests for Advice

Councillors seeking advice from employees to assist them in carrying out their responsibilities must follow the guidelines below:

1. Requests for advice must be made in a professional manner and in accordance with the Code of Conduct for Councillors in Queensland.
2. Councillors must not direct or pressure employees in relation to their work or the recommendations they should make.
3. Councillors may request advice:
 - (a) from a Council department that is similar in nature to advice provided to the public.
 - (b) at a meeting between a Councillor and employee under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.
4. All other requests for advice must be directed in the first instance to the CEO, or the relevant Director or Manager, and may be required in writing.
5. Where urgent advice is required after-hours, Councillors may contact the CEO, relevant Director or Manager as appropriate.

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Policy: 2150-004 - Acceptable Requests by Councillors for Advice or Information

Employees responding to requests for advice from a Councillor must follow the guidelines below:

1. Any significant or substantial advice should be provided in writing where practicable and appropriate.
2. Advice that is provided by an employee must be approved by the CEO, relevant Director or Manager.
3. Advice that is provided in a meeting between a Councillor and employee must be under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.
4. Advice that is provided to one Councillor should, where practicable and relevant, be provided to all Councillors, CEO and Directors.

Information Requests

In accordance with section 170A(2) of the *Local Government Act 2009*, all requests for information should be directed to the CEO who will facilitate a response to the request.

Any request made by a Councillor to an employee that is contrary to this Policy is not lawful, and the CEO or Director should be informed as soon as is practicable.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Councillor Code of Conduct
- Employee Code of Conduct

Review Triggers

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. This Policy will be reviewed within two months following the conclusion of a quadrennial election, or as required.

Responsibility

This Policy is to be:

- (1) implemented by the CEO; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the CEO.

Policy: 2150-004			Official Version: A7972428
Acceptable Requests by Councillors for Advice or Information			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
Version 1	Coordination Committee (MP 10/1624-5)	13.7.2010	A8017905
Version 2	Coordination Committee (MP 13/497)	26.3.2013	Version of PDF
Version 3	Coordination Committee (MP 16/1012)	14.6.2016	A13292679
Version 4	Coordination Committee (MP 18/2283)	20.11.2018	A16591994
Version 5	DRAFT	xx.xx.2020	A19986071

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)

#2 Policy: 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities



Policy: 2150-046

Councillors Reimbursement of Expenses and Provision of Facilities

Head of Power

Local Government Act 2009
Local Government Regulation 2012

Objective

The objective of this policy is to provide for:

- (1) Payment of reasonable expenses incurred by councillors for discharging their responsibilities as councillors; and
- (2) The supply of facilities to councillors for discharging their responsibilities as councillors.

Definitions/Application

CEO means the Council's Chief Executive Officer.

Claim means a claim for reimbursement of expenses incurred by a Councillor.

Policy Statement

Councillors should be reimbursed for reasonable expenses they incur in carrying out their responsibilities and need reasonable facilities to undertake their responsibilities efficiently and effectively. Where the Council reimburses expenses incurred or provides facilities the payment or provision must be:

- in accordance with the Law;
- prudent, responsible and acceptable to the community; and
- subject to budget provisions.

Reimbursement of Expenses

The CEO may approve Claims for reasonable expenses incurred by Councillors in carrying out their responsibilities.

Claims must be submitted to the CEO in the approved form. Claims must be approved by the CEO before they are paid. The CEO may have regard to the Law and all relevant facts and circumstances when considering whether to approve a Claim.

Provision of Facilities

The Council will provide each Councillor with the following facilities, as determined appropriate by the CEO, for use in undertaking their responsibilities as Councillors:

- An office with access to a shared multi-functional device.
- Administrative support.
- A smartphone.
- A tablet or laptop computer with a docking station, keyboard, mouse and monitor.
- A docking station, keyboard, mouse and monitor for Council business at home.
- Remote access to Council's network and the internet.
- A printer for Council business at home.
- Stationery.

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)



Policy: 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities

- Publications, copies of relevant legislation, books and journals related to Council's business operations and local government generally.
- Clothing with MBRC corporate branding to the value of \$700 every two years.
- Name badges and any safety equipment.
- A marquee and an A-frame sign with MBRC corporate branding for community activities.
- A motor vehicle allowance of \$19,500 per annum (increased by CPI from 1 July each year), or a fully maintained motor vehicle subject to Council's Motor Vehicles Policy (Councillors).

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- 2150-078 Policy - Motor Vehicles (Councillor)
- 2150-016 Policy - Professional Development
- 2160-002 Policy Directive - Professional Development

Review Triggers

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. This Policy will be reviewed within two months following the conclusion of a quadrennial election, or as required.

Responsibility

This Policy is to be:

- (1) implemented by the CEO; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the CEO.

Policy: 2150-046		Official Version: A7018361	
Councillors Reimbursement of Expenses and Provision of Facilities			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
Version 1	Coordination (P.08/0849)	27.5.2008	Version of PDF
Version 2	Coordination (P.09/1839)	30.6.2009	Version of PDF
Version 3	Coordination (P.12/1123)	17.7.2012	Version of PDF
Version 4	Legislation update	8.8.2013	Version of PDF
Version 5	Coordination (P.16/2251)	8.11.2016	A13288858
Version 6	DRAFT	xx.xx.2020	A19992158

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)

#3 Policy: 2150-078 - Motor Vehicles (Councillors)



Policy: 2150-078

Motor Vehicles (Councillors)

Head of Power

Local Government Act 2009
Local Government Regulation 2012

Objective

The objective of this Policy is to establish parameters for the use of Council-owned vehicles by Councillors.

Definitions

CEO means the Council's Chief Executive Officer.

Councillors means the Mayor and Councillors.

Private Use is use of a Council-owned vehicle for private purposes.

Policy Statement

The Council will provide each Councillor with a motor vehicle allowance or a fully maintained motor vehicle for use in undertaking their responsibilities as Councillors (see Policy 2150-078 - Councillors Reimbursement of Expenses and Provision of Facilities).

Councillors may use a Council-owned vehicle for private purposes subject to the Councillor reimbursing Council for private use costs.

This reimbursement of private use costs is a payment to Council equivalent to 20% of the whole-of-life costs for the vehicle as determined by the CEO.

Councillors are able to choose, at the time of vehicle replacement/purchase, from the vehicles currently listed in the **Private Use Vehicles List** for Directors and Managers as approved by the CEO. This list is subject to change over time by the CEO in order to ensure value for money when purchasing vehicles for this purpose.

Councillors using a Council vehicle must complete a user agreement.

Generally only the Councillor, or their spouse/de-facto, may drive the Council vehicle. However, where circumstances warrant, a Councillor may authorise another person to act as a relief driver. The relief driver must hold a current drivers licence issued by an Australian State or Territory.

Generally, in such instances the Councillor must be in the Council vehicle while it is driven by the relief driver. This requirement does not apply when the relief driver is transporting the Councillor to and from a location for a work-related purpose.

Extra Features

The only optional extras that may be provided at the request of the Councillor are:

- roof racks; and
- tow bar.

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)



Policy: 2150-078 - Motor Vehicles (Councillors)

Driving Requirements

No person is permitted to drive a Council-owned vehicle unless they hold a current driver's licence issued by an Australian State or Territory for the class of vehicle. Any Councillor whose licence is cancelled for any reason shall immediately notify the CEO and will automatically forfeit rights for usage of any Council-owned vehicle for at least the period of licence cancellation.

Drivers in Council-owned vehicles must at all times:

- comply with the law;
- show consideration for others on the road; and
- set a good example to other road users.

Where the Council's insurance is rendered null and void by the actions of a Councillor they may become personally liable for damages including third party vehicles, injury and property damage.

Roadworthiness

It is the Councillor's duty to ensure that the vehicle is maintained in a roadworthy condition. No vehicle is to be driven if there is any doubt as to its roadworthiness. This must be brought to the attention of Fleet Services immediately. Vehicles shall not be driven in areas where damage may be incurred due to unfavourable ground conditions. Drivers must exercise particular care and judgement at all times when driving Council-owned vehicles.

Refuelling of Vehicles

Vehicles are to be refuelled at the Council's preferred supplier's service station or a Council depot using the fuel card issued to each vehicle. Accurate vehicle odometer readings must be recorded when refuelling all vehicles.

Infringements

Council will not be liable to pay any fines, penalties or costs incurred by the driver of a Council-owned vehicle.

The obligation for payment of any fines, penalties or costs resides with the person in charge of the vehicle at the time of the infringement. The Councillor is accountable for determining the driver at the time of the infringement if they were not in charge of the vehicle at that time.

If the actual driver cannot be determined, the Councillor will be held liable for the fines, penalties or costs involved. By default the Councillor is deemed to be using the vehicle at all times.

Storage of Vehicles

Wherever possible, Councillors are to store the Council-owned vehicle after hours within the confines of their residential property, and the vehicle must be securely locked at all times.

Signage

Any signage (temporary or permanent) applied to a Council-owned vehicle must be approved by the CEO prior to its installation on a vehicle.

Smoking in Vehicles

Smoking is prohibited in all Council-owned vehicles at all times.

Changeover of Vehicles

The changeover period for the various types of Council vehicles will be determined by the CEO.

Maintenance of Vehicles

The Councillor must ensure that oil, water and tyres are checked regularly and that the exterior and interior of the vehicle is kept in a clean reasonable condition. Councillors should note that Council will not meet the costs of cleaning the vehicle.

ITEM 1.3 - ADOPTION OF COUNCIL POLICIES (Cont.)



Policy: 2150-078 - Motor Vehicles (Councillors)

The Councillor must ensure that scheduled servicing is maintained in accordance with manufacturer’s recommendations. Fleet will advise the Councillor where the vehicle will be serviced and when it is due. The Councillor may be required to reimburse Council for any costs incurred by Council in cleaning the vehicle, repairing any damage, or deterioration in the condition of the vehicle, as a result of the Councillor’s actions, in excess of the Council’s reasonable assessment of normal wear and tear.

Accident or Breakdown Procedure

In the event of an accident or breakdown, the procedure outlined in the ‘Vehicle User Guide’ placed in the glove box of each Council-owned vehicle must be followed.

Replacement Vehicles

Fleet Services will endeavour to source a replacement vehicle in a timely manner if a vehicle is off the road for repairs.

Logbooks

The Councillor will ensure the completion of any logbook relating to vehicle use as requested by Council.

Related Documents

Policy 2150-078 - Councillors Reimbursement of Expenses and Provision of Facilities

Review Triggers

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every two years.

Responsibility

This Policy is to be:

- (1) implemented by the CEO; and
- (2) reviewed and amended in accordance with the “Review Triggers” by the CEO.

Policy: 2150-078		Official Version: A9111609	
Motor Vehicles (Councillors)			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
Version 1	32-2150-006 (P.09/2373)	1.9.2009	PDF
Version 2		28.4.2010	A9035854
Version 3	Coordination (P.14/191)	18.2.2014	A8605079
Version 4	Coordination (P. 16/2251)	8.11.2016	A13289092
Version 5	DRAFT	xx.xx.2020	A17831339