



MINUTES

Post-Election Meeting

**Held at the
Mackay Entertainment and Convention Centre
258 Alfred Street, Mackay**

On Wednesday 22 April 2020

ORDER OF BUSINESS

ITEM	PAGE
1. Attendance	3
2. Opening Prayer	3
3. Correspondence and Officer's Reports	3
3.1. Office of the Mayor and CEO	3
3.1.1. Election of Deputy Mayor	3
3.1.2. Meeting Arrangements	7
3.1.3. Reimbursement of Expenses and Provision of Facilities for Councillors.....	10
3.1.4. Superannuation for Councillors	22
4. Meeting Closure	24

His Worship the Mayor, Cr Williamson welcomed both returning and new Councillors and noted that the Statutory Post-Election Meeting of Mackay Regional Council was being held in the Mackay Entertainment and Convention Centre (MECC) rather than Council Chambers due to the social distancing requirements of COVID-19.

Cr Williamson advised that the Council Meeting was being streamed live, recorded and published in accordance with Council's Standing Orders, including publishing on Council's web-site and advised that because of COVID-19 regulations, no members of the public were able to be in attendance. Cr Williamson welcomed members of the public who were viewing the live streaming of the Meeting.

Cr Williamson acknowledged the staff of the MECC and thanked them for their efforts in setting up to enable the Council Meetings to be held at the MECC.

Cr Williamson welcomed Mr Philip Kemp who delivered the Welcome to Country.

Mr Philip Kemp, on behalf of his ancestors the traditional custodians of this area, the Yuibera people, delivered a Welcome to Country. Mr Kemp outlined the geographical area of Yuibera (known as Yuwi) country and advised that the Yuwi first nation people had been given native title determination for this area on the 25th February 2020.

He acknowledged first nation people from other country areas who make their home in Mackay and paid his respects to their Elders past, present and emerging. Mr Kemp paid his respects to the spirits of the country, acknowledged his South Sea Island heritage and paid his respects to the Australian South Sea Islander Elders past, present and emerging.

Mr Kemp looked forward to building strong relationships between Mackay Regional Council, the Yuibera people and the Yewiburra Aboriginal Corporation.

1. ATTENDANCE

His Worship the Mayor, Cr G R Williamson (Chairperson), Crs M J Bella, L G Bonaventura, J F Englert, M I Green, B C Hassan, A N Jones, F A Mann, K L May, R J Seymour and P A Townsend were in attendance at the commencement of the meeting. Also present was Mr C Doyle (Chief Executive Officer) and Mrs P Jaenke (Minute Secretary).

The meeting commenced at 10:02 am.

2. OPENING PRAYER

Reverend Dr Julia Pitman led those present in Prayer, acknowledging the difficulties faced by Council and all people due to Covid-19. Rev Pitman acknowledged the passing of retired Minister, the Reverend Des Williams, who Ministered in Mackay in the 1960's. She outlined how Christian Churches throughout the world had reconfigured to meet Government regulations in relation to Covid-19. Reverend Pitman invited Councillors to join her on Sunday on Radio Church for a special edition to recognise the swearing-in of the new Mackay Regional Council.

3. CORRESPONDENCE AND OFFICER'S REPORTS

3.1. OFFICE OF THE MAYOR AND CEO

3.1.1. ELECTION OF DEPUTY MAYOR

Author	Executive Officer (David McKendry)
Responsible Officer	Chief Executive Officer (Craig Doyle)

File Number Statutory Post-Election Meeting - Election of Deputy Mayor

Purpose

To appoint a Deputy Mayor from within the elected Councillors.

Background/Discussion

A local government is required per *Section 175(2) of the Local Government Act 2009* to appoint a Deputy Mayor from its Councillors, by resolution, at the first meeting after the conclusion of each quadrennial election.

Consultation and Communication

Elected Councillor representatives.

Resource Implications

Remuneration for the Deputy Mayor is as set by the Local Government Remuneration Commission. Funds have been allocated to remunerate the position of Mayor, Deputy Mayor and Councillors in current budgets.

Risk Management Implications

Nil

Conclusion

Councillors appoint a Deputy Mayor in accordance with the requirements of *Section 175(2) of the Local Government Act 2009*.

Officer's Recommendation

THAT a Deputy Mayor be appointed in accordance with *Section 175(2) of the Local Government Act 2009*.

Council Resolution ORD-2020-44

THAT a Deputy Mayor be appointed in accordance with *Section 175(2) of the Local Government Act 2009*.

The Mayor advised of the need to pass a formal Resolution for appointment of a Deputy Mayor and noted that there had been nominations from two Councillors, Cr Bonaventura and Cr May.

Cr Bonaventura advised that he would like to be considered for the role of Deputy Mayor and provided the meeting with a brief summary.

Cr May advised that she would like to be considered for the role of Deputy Mayor and provided the meeting with a brief summary.

With no further Councillors indicating a desire to be considered, the Mayor invited a resolution for Cr Bonaventura to be Deputy Mayor.

Council Resolution

THAT Cr Laurence Bonaventura be appointed Deputy Mayor in accordance with Section 175(2) of the Local Government Act 2009.

Moved Cr Bonaventura

Seconded Cr Bella

Cr Jones advised that she would like to move an Amended Motion.

Amended Motion

THAT the position of Deputy Mayor be for a period of two (2) years be reviewed at mid-term of the Council, with rotation to allow professional development for another Councillor.

Moved Cr Jones

Seconded Cr Bonaventura

LOST

Cr Jones advised that when she had previously been on Council, she has seen the Deputy Mayor's role shared and felt it was a good professional development opportunity for Councillors. She acknowledged that both candidates brought different strengths and experiences to Council and was confident that both would be good in the role of Deputy Mayor.

Cr Englert advised that he would not be supporting the Amended Motion. He did not believe the Deputy Mayor's position was one for professional development but a position for a proven leader who could represent the Mayor in his absence. He suggested that if at any time in the future, the Council had a issue with the Deputy Mayor, a Notified Motion could be put forward and the discussion occur then.

Cr Bonaventura advised that he agreed with Cr Jones' Amended Motion and would be happy to step down as Deputy Mayor at the end of the 2 year period.

Cr May sought clarification on what Councillors were voting on.

Cr Williamson advised that Councillors were voting on the Amended Motion related to the two year term only.

LOST

Crs Englert, Green, Hassan, Mann, May, Townsend and Williamson recorded their vote against the Amended Motion.

The Mayor went back to the original motion.

Council Resolution

THAT Cr Laurence Bonaventura be appointed Deputy Mayor in accordance with Section 175(2) of the Local Government Act 2009.

Cr Englert advised that he would not be supporting Cr Bonaventura as Deputy Mayor. He thanked Cr Bonaventura for his comments and his desire to unify Council. He advised that he was aware of the vision of

eight (8) of the eleven (11) Councillors but was unsure of Cr Bonaventura's vision for the next four years. He reiterated that the Mayor and Deputy Mayor needed to work together.

The Mayor thanked Cr Bonaventura for his work advising that he has been an excellent and committed Councillor thanked him for his nomination as Deputy Mayor. He advised however, that he personally would not be supporting Cr Bonaventura's nomination due to Cr May's extensive experience, the result of the poll and the gender balance she would bring to Council as Deputy Mayor.

LOST

Crs Englert, Green, Hassan, Mann, May, Townsend and Williamson recorded their vote against the motion.

Council Resolution

THAT Cr Karen May be appointed Deputy Mayor in accordance with *Section 175(2) of the Local Government Act 2009*.

Moved Cr Mann

Seconded Cr Englert

Cr Mann spoke in favour of the motion to appoint Cr May as Deputy Mayor. She advised that in making her decision she considered Cr May's experience, leadership, the respect she shows for the position of Councillor, the respect show shows all people and the fact that Cr May topped the vote count indicating a strong message from the community.

Cr Englert advised that he would support Cr May as Deputy Mayor. He acknowledged that both Cr Bonaventura and Cr May had been excellent Councillors but felt that Cr May has a great deal of experience having previously filled a Mayor's role.

CARRIED

Cr Bella recorded his vote against the motion.

The Mayor congratulated Cr May on her appointment as Deputy Mayor of Mackay Regional Council. He spoke of the importance of working together especially in view of ongoing situation with COVID-19 and the challenges facing Council. The Mayor gave his guarantee that he would strive to do his best to ensure Council worked well together.

3.1.2. MEETING ARRANGEMENTS

Author Executive Officer (David McKendry)
Responsible Officer Chief Executive Officer (Craig Doyle)
File Number Meeting Arrangements

Attachments Nil

Purpose

To decide on the day and times of Council's Ordinary Meetings schedule for the newly elected Council.

Background/Discussion

Section 256(1) of the Local Government Regulation 2012 (the Regulation) requires each local government at its post-election meeting to decide on the day and time for holding meetings. *Section 257 of the Regulation* further notes that meetings must be held at least monthly.

For reference, after initially also establishing Standing Committees, the Council in its last term held its Ordinary Meeting at 10am on the second (2nd) and fourth (4th) Wednesday of each month.

Section 277 of the Regulation requires that at least once a year (and for any changes) that public notice is given of meeting details. Such notice to include newspaper advertisement, website, and display at Council offices.

In recent legislative changes, and to address Covid 19 non-essential gathering restrictions, the following amendment clause has been made to the *Regulation* –

277E Public access to particular meetings

(1) This section applies if the chairperson of a meeting of a local government or committee of a local government is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

(2) The chairperson of the meeting may decide, by notice published on the local government's website, that the meeting be closed to the public.

(3) This section applies despite sections 274 and 275.

Consultation and Communication

Mayor and Councillors

As per the provision of the *Local Government Regulation 2012 and Local Government Act 2009*.

Resource Implications

The Budget provides for sufficient funds to resource each Council Meeting. Relevant senior Council staff will be made available to support this process.

Minor advertising costs associated are accounted for within budgets.

Risk Management Implications

N/A

Conclusion

From past experience the holding of two Ordinary Meetings per month provides a good balance between access to Council for decision making and the administration regarding agenda/minute preparation.

Therefore, it is proposed that Council's Ordinary Meetings be held on the second (2nd) and fourth (4th) Wednesday of each month commencing at 10am.

For the April meeting the date will need to be Wednesday 29th April 2020, being the 5th Wednesday, with the scheduled 2nd and 4th Wednesday roster to commence from May.

All Council meetings are historically held at the Mackay Regional Council Chambers, Sir Albert Abbot Administration Building, 73 Gordon Street, Mackay, and have been open to the public.

Noting the current Covid 19 public gathering and distancing restrictions, the Council Chambers is not of sufficient size to conveniently allow Councillors to meet, therefore a suggestion that Council meetings be conducted from the Mackay Entertainment and Convention Centre (MECC) until such restrictions are modified. Further, that due also to distancing regulations, and in support of public safety initiatives for non-essential gatherings, that Council meetings are closed for public attendance until further notice. Members of the public can still interact with Council as they would via the standard non-interactive Public Participation, by submitting any item able to be read out by the Chief Executive Officer as Public Participation.

Officer's Recommendation

THAT per Sections 256 & 257 of the *Local Government Regulation 2012*, it is resolved that Council's Ordinary Meetings be set as –

- a. The first Ordinary Meeting of Mackay Regional Council post the 2020 elections be held on Wednesday 29 April 2020
- b. Following the 29 April 2020 meeting commencing from May that Council's Ordinary Meetings be held on the second (2nd) and fourth (4th) Wednesday of each month commencing at 10am.
- c. To be held at Mackay Regional Council's Mackay Entertainment and Convention Centre (MECC) 58 Macalister Street, Mackay during Covid 19 public gathering restrictions

FURTHER THAT as per section 277E of the *Local Government Regulation 2012*, that Council supports the Mayor as Chair deciding that Council meetings are to be closed to the public during Covid 19 public gathering restrictions, with Council Standing Orders for Public Participation suspended in part to allow residents to submit to the CEO in writing prior to the meeting any matter to be read out to Council as would normally occur under Public Participation

ALSO THAT the required public notice of meeting arrangements be undertaken.

Council Resolution ORD-2020-41

THAT per Sections 256 & 257 of the *Local Government Regulation 2012*, it is resolved that Council's Ordinary Meetings be set as –

- a. The first Ordinary Meeting of Mackay Regional Council post the 2020 elections be held on Wednesday 29 April 2020
- b. Following the 29 April 2020 meeting commencing from May that Council's Ordinary Meetings be held on the second (2nd) and fourth (4th) Wednesday of each month commencing at 10am.
- c. To be held at Mackay Regional Council's Mackay Entertainment and Convention Centre (MECC) 58 Macalister Street, Mackay during Covid 19 public gathering restrictions

FURTHER THAT as per section 277E of the Local Government Regulation 2012, that Council supports the Mayor as Chair deciding that Council meetings are to be closed to the public during Covid 19 public gathering restrictions, with Council Standing Orders for Public Participation suspended in part to allow residents to submit to the CEO in writing prior to the meeting any matter to be read out to Council as would normally occur under Public Participation

ALSO THAT the required public notice of meeting arrangements be undertaken.

Moved Cr May

Seconded Cr Mann

CARRIED

3.1.3. REIMBURSEMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS

Author	Executive Officer (David McKendry)
Responsible Officer	Chief Executive Officer (Craig Doyle)
File Number	Statutory Post-Election Meeting - Reimbursement of Expenses and Provision of Facilities for Councillors

Attachments

1. Mackay Regional Council Reimbursement of Expenses and Provision of Facilities for Councillors – Policy No 002

Purpose

To adopt a Reimbursement Policy for Councillors.

Background/Discussion

Under the provisions of *Section 249 and 250 of the Local Government Regulation 2012 (Regulation)*, Council must adopt an expenses reimbursement policy, with such policy providing 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.*

After adoption the policy may be amended from time to time by resolution.

Section 251 of the Local Government Regulation 2012 has a requirement regarding notification, including the need to:

- (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.

The attached policy is based on the policy adopted by the previous Council and updated as required.

Consultation and Communication

Mayor and Councillors

Resource Implications

All potential costs as proposed by this policy can be catered for in the current budget.

Risk Management Implications

Nil

Conclusion

The proposed policy as attached is in accordance with the guidelines and provides what is considered to be reasonable provision and can be catered for in the current budget.

Officer's Recommendation

THAT Council adopt the amended Mackay Regional Council Reimbursement of Expenses and Provision of Facilities for Councillors Policy No 002.

Council Resolution ORD-2020-42

THAT Council adopt the amended Mackay Regional Council Reimbursement of Expenses and Provision of Facilities for Councillors Policy No 002.

Moved Cr Jones

Seconded Cr Mann

Cr Jones expressed her support for the motion but raised concerns with the Policy acknowledging that it takes time and discussion to review. Cr Jones advised of her intention of bringing a Notified Motion to a meeting in May highlighting that in these difficult times the community expects Council to do what it can to reduce costs.

Cr Bonaventura advised that he support Cr Jones' point of view and agreed that Council should review the Policy to determine where money could be saved.

CARRIED

 <p>Mackay REGIONAL COUNCIL</p>	COUNCIL POLICY	
	Reimbursement of Expenses and Provision of Facilities for Councillors	
	POLICY NO	002
	DEPARTMENT	Office of the Mayor and CEO
	PROGRAM	Office of the Mayor and CEO
ENDORSED BY COUNCIL	TBC	

1.0 Scope

This policy applies to the Mayor, Deputy Mayor and Councillors of Mackay Regional Council (MRC).

2.0 Purpose

This policy will ensure accountability and transparency in the reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors.

This policy will also ensure that elected members are provided with reasonable facilities to assist them in carrying out their civic duties.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012 (sections 186, 249, & 250)*
- Mackay Regional Council Policy – Legal Assistance for Councillors and Employees

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Council Business shall mean official business conducted on behalf of Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council, for example official Council meetings, Councillor forums and workshops, Committees/Boards as Council's official representative, scheduled meetings relating to Council appointments (including community meetings, deputations, and community consultation), attendance at community events (including luncheons and dinners) where formally invited in Councillor capacity.

Council Business should result in a benefit being achieved either for the local government and/or the local government area, for example Council may decide

that Council business includes civic ceremony duties such as opening a school fete. Participating in a community group event without formal invitation as a Councillor, or being a representative on a Board not associated with Council, is not regarded as Council business.

Councillors shall mean the Mayor, Deputy Mayor and Councillors.

Expense shall mean payments made by Council to reimburse Councillors for their reasonable expenses incurred or to be incurred when discharging their duties as Councillors. These payments are not regarded as remuneration. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge when on Council business.

Facility shall mean the 'tools of trade' provided by Council, required to enable Councillors to perform their duties with relative ease and at a standard appropriate to fulfil their professional role for the community.

MRC shall mean Mackay Regional Council.

5.0 Background

Section 250 of the *Local Government Regulation 2012* legislates that MRC must maintain a policy providing for payment of reasonable expense incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and provision of facilities to the Councillors for that purpose.

6.0 Policy Statement

6.1 Professional Development

Council will reimburse expenses incurred for:

- Mandatory professional development; and/or
- Discretionary professional development deemed essential for the Councillor's role.

Any professional development, regardless of category and requiring overseas travel, requires formal Council resolution.

6.1.1 Mandatory Professional Development

MRC will reimburse or cover expenses incurred for the following activities:

- The Mayor's attendance as the primary delegate at the LGAQ, ALGA and any other relevant conferences/seminars/workshops;
- Councillors can attend workshops, courses, seminars and conferences that are related to the role of a Councillor. Where approval to attend is to be made by Council resolution, Councillors should advise the Chief Executive Officer of their desire to attend an event and the Chief Executive Officer will provide a report to Council seeking approval for attendance by a Councillor.

- The associated level of approval is as below –
 - Conferences – All conference attendance requires Council resolution regardless of location;
 - Local workshops/courses/seminars – where these are held either in the Mackay Local Government area or within a neighbouring Council meaning no overnight travel, approval will be given by either the Mayor or CEO;
 - Remote workshops/courses/seminars – where these are held requiring air travel and/or overnight accommodation, a Council resolution is required

6.1.2 Discretionary Professional Development

Each Councillor can attend, workshops, courses, seminars and conferences that improve their skills relevant to the role of Councillor. This training is initially limited to \$5,000 per Councillor in each quadrennial term of office but will be reviewed annually when setting the budget. There is no requirement for a Council resolution to approve these attendances. However, the Councillor must submit a request to the Mayor for approval prior to attending and subject to approval provide all relevant documentation within 14 days of attending the event to ensure reimbursement of expenses.

6.2 Travel as Required to Represent Council

MRC will accept reasonable local, interstate and in some cases, 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
- The activity/event has been endorsed by resolution of Council or approved Council project (i.e. Operational Plan).

Approval for such travel is to be approved either by resolution of Council or by the Mayor and/or the Chief Executive Officer (excluding overseas travel which requires a Council resolution).

MRC will pay for reasonable expenses incurred for overnight accommodation when a Councillor is required to stay outside the MRC area.

Wherever possible all travel by Councillors, approved by Council, will be booked and paid for by MRC in advance.

6.2.1

Where travel is outside the Mackay region at a cost to ratepayers, a report will be brought to a council meeting within 60 days of return summarising the event, outcomes and learnings.

6.3 Attendance at Community events etc

Where formally invited to community events etc as a Councillor approval for attendance will be confirmed by the Mayor or the Chief Executive Officer.

Acceptance of reasonable associated costs including dinner/luncheon tickets is allowed.

RSVP of attendance and payment of associated costs will be coordinated by MRC.

6.4 Private Vehicle Usage

Use of a Councillor's private vehicle for official Council business will be reimbursed by MRC for –

- a) Official Council business;
- b) Official Council meetings, functions, community events and public meetings in the role of Councillor;
- c) To investigate issues/complaints regarding MRC services raised by residents/rate payers/visitors to the region;

Councillors making a claim for reimbursement for use of their private vehicle for Council business shall submit the appropriate form detailing the relevant travel based on log book details.

The amount reimbursed will be based on the published Australian Tax Office business use of motor vehicle cents per kilometre method, and kilometre rate applicable at the time of travel.

Councillors will be provided with an appropriate log book to assist in this process.

Reimbursement under this part is limited to a maximum of \$12,000/annum per Councillor, whilst still subject to individual claim and log book records.

This annual limit will be monitored regarding travel required to be undertaken with a review of the policy to be made if considered necessary.

6.5 Meals

6.5.1 *Reimbursement of Actual Costs*

MRC will reimburse the reasonable cost of meals (generally in line with the meal allowance limits mentioned below) where a Councillor:

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

6.5.2 Meal Allowance

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	\$26.00	Applies if the Councillor is required to depart their home prior to 6:00am
Lunch	\$30.00	
Dinner	\$50.00	Applies if the Councillor returns to their home after 9:00pm

NOTE:

Expenses relating to the consumption of alcohol will not be reimbursed.

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.

Only one method of reimbursement will be permitted.

Meal limits are in accordance with Taxation Determination and will escalate in line with future Taxation Determinations as issued by the ATO from time-to-time.

6.6 Hospitality

Councillors may have occasion to incur hospitality expenses while conducting Council business, apart from civic receptions organised by MRC. The Mayor may particularly require additional reimbursement when entertaining dignitaries outside of official events.

To allow for this expense, the following amounts can be claimed:

Councillors and Deputy Mayor	up to \$500 per annum
Mayor	up to \$6,000 per annum

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

6.7 Accommodation

Councillors may need to stay away from home overnight while attending to Council business. When attending conferences, Councillors should take advantage of the package provided by conference organisers (if offered and applicable) and therefore stay in the recommended accommodation unless prior approval has been granted by the Chief Executive Officer.

All accommodation associated with Council business will be booked and paid for by MRC. Suitable accommodation will be sought within a reasonable distance to the venue in which the Councillor is to attend. Should more than one Councillor attend the same event, MRC will book and pay for a separate accommodation room for each attending Councillor.

6.8 Provision of Facilities

MRC will provide facilities for the use of Councillors in the conduct of their respective roles with MRC.

All facilities provided remain the property of MRC and must be returned to MRC when a Councillor's term expires. The facilities provided by MRC to Councillors are to be used only for Council business unless prior approval has been granted by resolution of Council.

6.9 Administrative Tools and Access to Council Office Amenities

Councillors will be provided with access to the following:

- Suitable office space at the Administration Centre, Gordon Street Mackay and Council meeting rooms for daily usage;
- Secretarial support for Mayor and Councillors located at the Administration Centre, Gordon Street Mackay;
- Laptop computer, docking station, monitor and keyboard;
- Use of Council landline telephone and internet access;
- Fax and/or scanner;
- Printer, photocopier
- Paper shredder, filing cabinet;
- Stationery;
- Any other administrative necessities, which Council resolves, are necessary to meet the business of Council.

6.10 Home Office

MRC recognises that, by using contemporary communication technology such as internet and electronic distribution of agendas and minutes and the distance some Councillors will have to travel if this technology was not used, there is a necessity to provide home office facilities to Councillors.

Accordingly, MRC will supply a laptop docking station, monitor and keyboard for use in the home office. Also, reimbursement for an internet and land-based

phone line, at the Councillor's residence. MRC will pay the one-off installation costs (if required) and a contribution towards the monthly costs for the line rental and current internet package (set at \$75/mth). The line rental and internet package will be in the Councillors name and MRC will then pay the \$75 into the Councillors nominated bank account on a monthly basis. Any costs over and above those covered by the package shall be at the Councillors expense..

6.11 Maintenance Costs of Council Owned Equipment

MRC is responsible for the ongoing maintenance and reasonable wear and tear costs of MRC owned equipment that is supplied to Councillors for official business use. This includes the replacement of any facilities, which fall under MRC's Asset Replacement Program.

6.12 Uniforms and Safety Equipment

MRC will provide to a Councillor:

- Uniform allowance as per staff policy;
- Council blazer, tie or scarf;
- Necessary safety equipment for use on official business (e.g. safety helmet, boots, safety glasses).

6.13 Vehicles

6.13.1 Use of MRC Provided Vehicles on Council Business

Councillors will have access to a suitable MRC vehicle for official business. A Councillor wishing to use a MRC 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 Chief Executive Officer.

6.13.2 Mayoral Vehicle

The Mayor will be provided with a fully maintained suitable MRC vehicle below the threshold for luxury car tax (ex GST and on road costs) determined by the Australian Tax Office including all running costs provided for unlimited and unrestricted use by the Mayor for Council business and private purposes in recognition of the duties required to be performed by the Mayor and the irregular hours required to attend Council, community and civic responsibilities.

6.13.3 Fuel Costs

All fuel used in a MRC owned vehicle on official Council business will be provided or paid for by MRC.

6.14 Car Parking Amenities

Councillors will be provided with car parking spaces at the main Administration Building.

Councillors will be reimbursed for parking costs paid by Councillors while attending to official Council business (e.g. secured vehicle parking at an airport).

6.15 Telecommunication Needs – Mobile Phones

To enable Councillors to be able to communicate effectively, Councillors will provide their own mobile phone and have the costs of a mobile phone package paid by MRC.

The package will be the \$135 per month. The Councillor is to arrange for the Plan in their own name and provide MRC with bank account details. MRC will then pay the \$135 into the nominated bank account on a monthly basis. Any costs over and above those covered by the Plan shall be at the Councillors expense.

MRC will also provide of support service for the mobile phones. Where such service is not provided in-house, the costs for provision of the service will be borne by Council.

6.16 Insurance Cover

Councillors will be covered under relevant MRC insurance policies while discharging civic duties. Specifically, insurance cover will be provided for:

- a) public liability;
- b) professional indemnity,
- c) personal accident and/or workers compensation;
- d) international and domestic travel

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

MRC 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 Councillors performance of his/her civic functions. When it has been found that the Councillor breached the provisions of the *Local Government Act 2009*, the Councillor will reimburse Council with all associated costs incurred by Council.

6.17 Council Memberships

While MRC is providing membership to staff as part of corporate arrangements, Councillors may elect to become members if they so wish at their own cost in line with the associated staff membership arrangements (including such membership as API Lifestyle Benefits, and Fitness Passport).

6.18 Support Resources

Extra to general Council Management and staff support, the following Council staffing and other resources will also be provided in direct support of Councillors and their functions –

- Executive Assistant – Provision for the Mayor of a Council staffed Executive Assistant position within the Office of the Mayor & CEO
- Executive Support Officer – Provision for Councillors of access to the services of a Council staff Executive Support Officer position within the Office of the Mayor & CEO
- Communication Specialist – Provision of strategic communications advice to Office of Mayor and CEO

6.19 Legal Assistance

The Council recognises that councillors, as a result of their roles, functions and duties at Council may at times require legal representation. Where there is a relevant nexus between their role at Council and a legal proceeding against them, in some instances it may be appropriate to provide financial assistance to meet the cost in obtaining legal representation.

Council Policy Legal Assistance for Councillors and Employees sets out specifics in this regard.

6.20 Limit

Council may by resolution reduce or limit benefits receivable under this policy.

6.21 Annual Report

As per section 186 of the *Local Government Regulation 2012*, the expenses incurred by, and the facilities provided to, each Councillor during the financial year under this policy will be published in each Annual Report.

7.0 Review of Policy

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.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy	Amendment to Policy	Council	20.10.10
2	Review of Policy	Amendment to Policy	Council	16.05.12
3	Review of Policy	Amendment to Policy	Council	06.04.16
4	Review of Policy	Amendments to Policy	Council	13.02.19

3.1.4. SUPERANNUATION FOR COUNCILLORS

Author	Executive Officer (David McKendry)
Responsible Officer	Chief Executive Officer (Craig Doyle)
File Number	Statutory Post-Election Meeting - Superannuation for Councillors

Purpose

To consider the provision of superannuation benefits for Councillors.

Corporate Plan Linkage

Corporate Plan Strategy 8.8 – Governance and performance

Background/Discussion

Section 226 of the *Local Government Act 2009 (Act)* makes provision for Council's to consider the payment of superannuation contributions for Councillors to an approved fund which complies with the provision of the *Commonwealth Superannuation Act*.

Additionally, this provision allows only for maximum percentage contributions which do not exceed those made for its standard permanent employees (ie 12%).

Councillors do have the option to pass a resolution per the *Taxation Administration Act* schedule 1, section 446-5, that Councillors are subject to PAYG withholding (essentially making them employees and therefore subject to minimum superannuation guarantee contributions being made by Council), however such a resolution needs to be unanimous and has other non-superannuation components to be considered.

Also of note –

- The Local Government Remuneration Commission's annual report which sets Mayor/Councillor remuneration, specifically excludes superannuation as being a matter for individual Councils (the Commission is specifically restricted from including superannuation by virtue of section 244(3) of the *Local Government Regulation 2012*)
- Providing superannuation is a discretionary matter for Councils, similar to setting of the Reimbursement of Expenses and Provision of Facilities for Councillors Policy which sets matters outside remuneration)
- Participation in superannuation is discretionary for each individual Councillor
- The Act does not require the co-contribution by Councillors to receive the superannuation contribution by Council

Consultation and Communication

Section 226 of the *Local Government Act 2009*.

LGAQ Legal Opinion via King and Company regarding contributions

Department of Local Government, Racing and Multicultural Affairs

Resource Implications

Provision has been made in the current budget for approved superannuation contributions.

Risk Management Implications

Nil

Conclusion

Section 226 of the Act provides for Council to extend superannuation to Councillors, with resolution confirming this provision.

Council provides funding to cover the superannuation benefits with the recommendation that Councillors have the option to participate.

Officer's Recommendation

THAT per section 226 of the *Local Government Act 2009*, Council contribute up to a maximum of 12% superannuation contribution to superannuation funds/schemes complying with the Commonwealth Superannuation legislation for elected members who wish to participate.

Council Resolution ORD-2020-43

THAT per section 226 of the *Local Government Act 2009*, Council contribute up to a maximum of 12% superannuation contribution to superannuation funds/schemes complying with the Commonwealth Superannuation legislation for elected members who wish to participate.

Moved Cr Mann

Seconded Cr Englert

CARRIED

4. MEETING CLOSURE

Meeting closed at 10:34 am.

Confirmed on Wednesday 29 April 2020

.....
MAYOR