



## COUNCIL REPORT

<b>Agenda Item Number:</b>	15.11
<b>Report Title:</b>	EM05 Elected Member and Support Policy
<b>Author &amp; Recommending Officer:</b>	Daniel Fletcher, Chief Executive Officer
<b>Meeting Date:</b>	21/10/2020
<b>Attachments:</b>	A – EM05 Elected Member and Support Policy – tracked changes B – EM05 Elected Member and Support Policy

### Executive Summary

This report presents the amended EM05 Elected Member and Support Policy to Council for adoption. The amended policy allows for membership fees for professional development organisations that directly benefit Elected Members skills, knowledge and experience to undertake their role be claimable under the Professional Development Allowance.

### Recommendation

THAT Council adopt the amended EM05 Elected Member and Support Policy.

### Background

The EM05 Elected Member and Support Policy was adopted by Council in 2017.

At the Strategic Discussion & Briefing Session held early October 2020, Councillors agreed that membership fees which are directly beneficial to the role of Elected Members, ie. Australian Institute of Company Directors, can be claimed under the Elected Members Professional Development Allowance

### Links with Strategic Plan

A Well-Run Council - Good Governance

### Legislative and Policy Implications

Nil.

## Risks



## Community Engagement

Nil

## Elected Member Benefit and Support **POLICY EM05**



Name	EM05 Elected Member Benefit and Support
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	18/07/2018
Review Date	17/07/2022

### 1. Purpose

Litchfield Council is committed to ensuring Elected Members are provided with the support necessary for them to effectively carry out their roles in Council. Pursuant to Section 71 and 72 of the Local Government Act 2008 (as amended) and the Local Government Ministerial Guidelines, this Policy clarifies the Allowances and Expenses to be paid to Elected Member, Professional Development and Council Approved Activities and travel.

### 2. Scope

This policy applies to Litchfield Council Elected Members

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Allowances	Allowances provided in compensation to Elected Members in consideration of the time and effort spent in their roles on Council.
Elected Member	Individuals elected to Council. For the purposes of this policy, Elected Member refers to Mayor, Deputy Mayor and Councillor.

### 4. Policy Statement

#### 4.1. Elected Member Allowances

- 4.1.1. A Base Allowance is paid to Elected Members to cover their time spent in the following activities: agenda study and meeting preparation, attendance at regular Council meetings, attendance at social functions as Council representatives, constituency responsibilities, and Council representation outside of the municipality, including delegations interstate and overseas;
- 4.1.2. An Electoral Allowance is paid to assist members with electoral matters at the discretion of the individual Member;
- 4.1.3. Professional Development Allowance
  - 4.1.3.1. An allowance payable to council members to attend appropriate and relevant conferences or training courses which sustain a member's professional competence

by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

- I. This allowance is available to all council members.
  - II. The professional development allowances may be claimed multiple times each year, but the total of those claims must not exceed the amount specified in the Guidelines.
  - III. The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.
  - IV. Claims must be made using approved forms.
  - V. Only approved course/conferences that are in line with council policy attract professional development allowances (payable for each day of attendance).
  - VI. Membership fees for bodies considered directly beneficial to the role of an Elected Member (ie AICD) may be claimed.
- 4.1.3.2. Pursuant to Section 2, 6 (e) of the Local Government Act Ministerial Guideline 2, use of the Professional Development Allowance must be approved by the Chief Executive Officer, prior to attendance at a professional development activity
- 4.1.3.3. In accordance with Section 71(5) of the Local Government Act 2008 (as amended), these allowances will not be paid in advance except for course fees, conference registration costs, travel and accommodation which will be paid for by the Council to the provider of the relevant service in advance of attendance at the approved activity
- 4.1.4. Extra Meeting allowance
- 4.1.4.1. For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
  - 4.1.4.2. For other council members this allowance is paid only after an approved claim has been made
  - 4.1.4.3. The amount of the extra meeting allowance is determined by Council resolution, and is subject to the maximum payable amount set by the Minister for Local Government and Community Services.
  - 4.1.4.4. In accordance with Section 2 (1) of the Local Government Act 2008 Ministerial Guideline No. 2, only the following meetings will attract the allowance: -
    - I. Council Committee Meetings;
    - II. Special Meetings of Council;
    - III. Special Meetings of Council Committees;
    - IV. Council Advisory / Reference Group Meetings;

- V. Council workshops or briefings;
- VI. Meetings of external agencies or organisations to which Council has formally appointed a council member to represent the Council or a member nominated through or with the Local Government Association of the Northern Territory as a representative;
- VII. Professional development courses/conferences that have approval and are in line with Council Policy

4.1.5. Allowances are set annually by Council as part of budget deliberations.

4.1.6. Allowances (apart from Professional Development Allowance) are to be paid from 1 July each year on a monthly basis in arrears by electronic funds transfer to their nominated account.

4.1.7. Where an Elected Member is acting as Mayor in the absence of the Mayor for a period of less than 7 days, no compensation will be paid. Where the period is 7 days or longer, the acting Mayor will be paid 100% of the Mayoral Base Allowance instead of their normal base allowance for that period.

#### 4.2. Elected Member Benefits

4.2.1. In order to ensure Elected Members are able to have ready access to technology enabling them to perform their roles as efficiently as possible, they are provided with:

- I. A laptop and printer for home use, a single set of toner cartridges and a single ream of paper. All subsequent toner and paper is at the Member's expense;
- II. A Litchfield Council email address for official use in their role as Elected Member, together with calendar facility. An Elected Member's calendar shall be available to other Elected Members and staff in order to facilitate the smooth running of Council operations, and as a record of their activities;
- III. A mobile internet access device to be used with the laptop provided for Council business or the option to request a reimbursement of up to \$50 monthly for internet access.

4.2.2. All ICT equipment remains the property of Litchfield Council. Elected Members have full private use. Support provided by Council will be on a "return to Council" basis, with Council IT support staff not being responsible to attend private residences.

4.2.3. Elected Members shall be provisioned with business cards and name badges for their use.

4.2.4. Council will provide postage for official correspondence through its internal mail services. Bulk mailing will not be provided.

4.2.5. Use of Council's photocopying facilities for official business is available for Elected Members through prior notice to the Executive Assistant to the Mayor and CEO. Circulars, publications or election material are specifically excluded from this benefit.

4.2.6. Elected Members will be reimbursed for attendance at all Council endorsed meetings to a maximum of \$85 to cover child care costs associated with their participation.

## Elected Member Benefit and Support **POLICY EM05**

Reimbursement is subject to receipts being provided and are on a per Member rather than per child basis.

- 4.2.7. For any Elected Member with a disability, Council may resolve to provide reasonable additional facilities and expenses in order to allow that Member to perform their civic duties.
- 4.2.8. Elected members shall not use Council facilities, resources (including staff) for personal reasons including furtherance of their political career.
- 4.2.9. Miscellaneous
  - I. A framed Certificate of Service will be presented in Council meeting for Elected Members achieving 10 years of service, with subsequent certificates presented at five yearly intervals
  - II. A history of members elected to office will be appropriately recorded photographically under direction of the CEO.

### 4.2.10. Mayoral Benefits

In addition to the benefits above, the Mayor is entitled to the following additional benefits to assist them in their civic duties:

- I. Mobile Phone;
  - II. An office and administrative and secretarial assistance for official use only;
  - III. Reimbursement for costs associated with attendance and participation at official functions where Council is represented;
  - IV. A fully maintained Council vehicle with a purchase price of no more than \$45,000 ex GST with limited private use within 300km of Council, and subject to conditions set out in Council's HR08 Motor Vehicle Policy.
- 4.2.11. Elected Members are not provided with stationary, mobile phones, uniforms or any other materials not provided for within this Policy. These can be purchased at the discretion of Elected Members themselves.

### 4.3. Elected Member Travel

- 4.3.1. Elected Members wishing to attend a conference, workshop, seminar or relevant training session incurring travel costs at Council's expense shall apply to the CEO for approval.
- 4.3.2. Air travel is to be by the most reasonably economic means available, and shall not include business or first class.
- 4.3.3. Accommodation, meals and associated travel costs are to be covered by prior approval of the CEO.
- 4.3.4. Council will pay in advance any registration fees, accommodation deposits and airline tickets for approved Elected Member travel. Where this is not possible, a reimbursement equivalent to the fees or expenses will be paid subject to the provision of receipts.
- 4.3.5. Elected Members may be accompanied by a spouse or partner subject to Council not incurring any additional expense.

### 4.4. Insurance

4.4.1. Elected Members will receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:

- I. Personal Injury whilst on Council business, providing specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses. Full details are available from the Director of Corporate Services.
- II. Professional Indemnity and Public Liability
- III. Use of private motor vehicle whilst on Council business

#### 4.5. Legal Assistance

4.5.1. Legal assistance shall be provided to Elected Members in the event of an enquiry, investigation or hearing into the conduct of an Elected Member by:

- I. The office of the Ombudsman
- II. The Police
- III. The Director of Public Prosecutions

4.5.2. Legal assistance will be provided to Elected Members in respect of legal proceedings being taken by or against an Elected Member, arising out of or in connection with the Elected Member's performance of his or her civic duties or exercise of his or her functions as an Elected Member.

4.5.3. Council shall reimburse such Elected Member, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

4.5.4. All legal assistance will be provided subject to the following conditions:

- I. The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Elected Member on any basis;
- II. The enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Elected Member;
- III. The amount of such reimbursement is limited to the equivalent of the fees being charged by Council's solicitors.

#### 4.5.5. Legal Advice

- I. Legal advice shall be made available on Conflict of Interest provisions subject to the following procedure:
- II. On receipt of a written enquiry received in good time before the relevant meeting seeking an interpretation of the Conflict of Interest provisions, the CEO is authorised to seek legal opinion from Council's solicitors as to the nature and extent of interest and the application of the legislative provisions;
- III. Legal advice provided to one Elected Member under this provision is to be made available to all Members;

- IV. The Elected Member initiating the enquiry agrees to be bound by the contents thereof.

**5. Associated Documents**

EM01 Elected Member Code of Conduct

**6. References and Legislation**

Northern Territory Local Government Act, Regulations, Ministerial Guidelines and General Instructions

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
14/12/2015	Policy adopted
15/2/2017	Updated with professional development allowance, LC27 rescinded as a duplicate
15/11/2017	Remove internet allowance and Elected Member (1718/099)
18/07/2018	Include professional development in list for extra meeting allowance, Remove gifts and benefits section as covered with EM07



## Elected Member Benefit and Support **POLICY EM05**



Name	EM05 Elected Member Benefit and Support
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	18/07/2018
Review Date	17/07/2022

### 1. Purpose

Litchfield Council is committed to ensuring Elected Members are provided with the support necessary for them to effectively carry out their roles in Council. Pursuant to Section 71 and 72 of the Local Government Act 2008 (as amended) and the Local Government Ministerial Guidelines, this Policy clarifies the Allowances and Expenses to be paid to Elected Member, Professional Development and Council Approved Activities and travel.

### 2. Scope

This policy applies to Litchfield Council Elected Members

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Allowances	Allowances provided in compensation to Elected Members in consideration of the time and effort spent in their roles on Council.
Elected Member	Individuals elected to Council. For the purposes of this policy, Elected Member refers to Mayor, Deputy Mayor and Councillor.

### 4. Policy Statement

#### 4.1. Elected Member Allowances

- 4.1.1. A Base Allowance is paid to Elected Members to cover their time spent in the following activities: agenda study and meeting preparation, attendance at regular Council meetings, attendance at social functions as Council representatives, constituency responsibilities, and Council representation outside of the municipality, including delegations interstate and overseas;
- 4.1.2. An Electoral Allowance is paid to assist members with electoral matters at the discretion of the individual Member;
- 4.1.3. Professional Development Allowance
  - 4.1.3.1. An allowance payable to council members to attend appropriate and relevant conferences or training courses which sustain a member's professional competence

by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a council member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

- I. This allowance is available to all council members.
  - II. The professional development allowances may be claimed multiple times each year, but the total of those claims must not exceed the amount specified in the Guidelines.
  - III. The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.
  - IV. Claims must be made using approved forms.
  - V. Only approved course/conferences that are in line with council policy attract professional development allowances (payable for each day of attendance).
  - VI. Membership fees for bodies considered directly beneficial to the role of an Elected Member (ie AICD) may be claimed.
- 4.1.3.2. Pursuant to Section 2, 6 (e) of the Local Government Act Ministerial Guideline 2, use of the Professional Development Allowance must be approved by the Chief Executive Officer, prior to attendance at a professional development activity
- 4.1.3.3. In accordance with Section 71(5) of the Local Government Act 2008 (as amended), these allowances will not be paid in advance except for course fees, conference registration costs, travel and accommodation which will be paid for by the Council to the provider of the relevant service in advance of attendance at the approved activity
- 4.1.4. Extra Meeting allowance
- 4.1.4.1. For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
  - 4.1.4.2. For other council members this allowance is paid only after an approved claim has been made
  - 4.1.4.3. The amount of the extra meeting allowance is determined by Council resolution, and is subject to the maximum payable amount set by the Minister for Local Government and Community Services.
  - 4.1.4.4. In accordance with Section 2 (1) of the Local Government Act 2008 Ministerial Guideline No. 2, only the following meetings will attract the allowance: -
    - I. Council Committee Meetings;
    - II. Special Meetings of Council;
    - III. Special Meetings of Council Committees;
    - IV. Council Advisory / Reference Group Meetings;

- V. Council workshops or briefings;
- VI. Meetings of external agencies or organisations to which Council has formally appointed a council member to represent the Council or a member nominated through or with the Local Government Association of the Northern Territory as a representative;
- VII. Professional development courses/conferences that have approval and are in line with Council Policy

4.1.5. Allowances are set annually by Council as part of budget deliberations.

4.1.6. Allowances (apart from Professional Development Allowance) are to be paid from 1 July each year on a monthly basis in arrears by electronic funds transfer to their nominated account.

4.1.7. Where an Elected Member is acting as Mayor in the absence of the Mayor for a period of less than 7 days, no compensation will be paid. Where the period is 7 days or longer, the acting Mayor will be paid 100% of the Mayoral Base Allowance instead of their normal base allowance for that period.

#### 4.2. Elected Member Benefits

4.2.1. In order to ensure Elected Members are able to have ready access to technology enabling them to perform their roles as efficiently as possible, they are provided with:

- I. A laptop and printer for home use, a single set of toner cartridges and a single ream of paper. All subsequent toner and paper is at the Member's expense;
- II. A Litchfield Council email address for official use in their role as Elected Member, together with calendar facility. An Elected Member's calendar shall be available to other Elected Members and staff in order to facilitate the smooth running of Council operations, and as a record of their activities;
- III. A mobile internet access device to be used with the laptop provided for Council business or the option to request a reimbursement of up to \$50 monthly for internet access.

4.2.2. All ICT equipment remains the property of Litchfield Council. Elected Members have full private use. Support provided by Council will be on a "return to Council" basis, with Council IT support staff not being responsible to attend private residences.

4.2.3. Elected Members shall be provisioned with business cards and name badges for their use.

4.2.4. Council will provide postage for official correspondence through its internal mail services. Bulk mailing will not be provided.

4.2.5. Use of Council's photocopying facilities for official business is available for Elected Members through prior notice to the Executive Assistant to the Mayor and CEO. Circulars, publications or election material are specifically excluded from this benefit.

4.2.6. Elected Members will be reimbursed for attendance at all Council endorsed meetings to a maximum of \$85 to cover child care costs associated with their participation.

## Elected Member Benefit and Support **POLICY EM05**

Reimbursement is subject to receipts being provided and are on a per Member rather than per child basis.

- 4.2.7. For any Elected Member with a disability, Council may resolve to provide reasonable additional facilities and expenses in order to allow that Member to perform their civic duties.
- 4.2.8. Elected members shall not use Council facilities, resources (including staff) for personal reasons including furtherance of their political career.
- 4.2.9. Miscellaneous
  - I. A framed Certificate of Service will be presented in Council meeting for Elected Members achieving 10 years of service, with subsequent certificates presented at five yearly intervals
  - II. A history of members elected to office will be appropriately recorded photographically under direction of the CEO.

### 4.2.10. Mayoral Benefits

In addition to the benefits above, the Mayor is entitled to the following additional benefits to assist them in their civic duties:

- I. Mobile Phone;
  - II. An office and administrative and secretarial assistance for official use only;
  - III. Reimbursement for costs associated with attendance and participation at official functions where Council is represented;
  - IV. A fully maintained Council vehicle with a purchase price of no more than \$45,000 ex GST with limited private use within 300km of Council, and subject to conditions set out in Council's HR08 Motor Vehicle Policy.
- 4.2.11. Elected Members are not provided with stationary, mobile phones, uniforms or any other materials not provided for within this Policy. These can be purchased at the discretion of Elected Members themselves.

### 4.3. Elected Member Travel

- 4.3.1. Elected Members wishing to attend a conference, workshop, seminar or relevant training session incurring travel costs at Council's expense shall apply to the CEO for approval.
- 4.3.2. Air travel is to be by the most reasonably economic means available, and shall not include business or first class.
- 4.3.3. Accommodation, meals and associated travel costs are to be covered by prior approval of the CEO.
- 4.3.4. Council will pay in advance any registration fees, accommodation deposits and airline tickets for approved Elected Member travel. Where this is not possible, a reimbursement equivalent to the fees or expenses will be paid subject to the provision of receipts.
- 4.3.5. Elected Members may be accompanied by a spouse or partner subject to Council not incurring any additional expense.

### 4.4. Insurance

4.4.1. Elected Members will receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:

- I. Personal Injury whilst on Council business, providing specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses. Full details are available from the Director of Corporate Services.
- II. Professional Indemnity and Public Liability
- III. Use of private motor vehicle whilst on Council business

#### 4.5. Legal Assistance

4.5.1. Legal assistance shall be provided to Elected Members in the event of an enquiry, investigation or hearing into the conduct of an Elected Member by:

- I. The office of the Ombudsman
- II. The Police
- III. The Director of Public Prosecutions

4.5.2. Legal assistance will be provided to Elected Members in respect of legal proceedings being taken by or against an Elected Member, arising out of or in connection with the Elected Member's performance of his or her civic duties or exercise of his or her functions as an Elected Member.

4.5.3. Council shall reimburse such Elected Member, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

4.5.4. All legal assistance will be provided subject to the following conditions:

- I. The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Elected Member on any basis;
- II. The enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Elected Member;
- III. The amount of such reimbursement is limited to the equivalent of the fees being charged by Council's solicitors.

#### 4.5.5. Legal Advice

- I. Legal advice shall be made available on Conflict of Interest provisions subject to the following procedure:
- II. On receipt of a written enquiry received in good time before the relevant meeting seeking an interpretation of the Conflict of Interest provisions, the CEO is authorised to seek legal opinion from Council's solicitors as to the nature and extent of interest and the application of the legislative provisions;
- III. Legal advice provided to one Elected Member under this provision is to be made available to all Members;

- IV. The Elected Member initiating the enquiry agrees to be bound by the contents thereof.

**5. Associated Documents**

EM01 Elected Member Code of Conduct

**6. References and Legislation**

Northern Territory Local Government Act, Regulations, Ministerial Guidelines and General Instructions

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
14/12/2015	Policy adopted
15/2/2017	Updated with professional development allowance, LC27 rescinded as a duplicate
15/11/2017	Remove internet allowance and Elected Member (1718/099)
18/07/2018	Include professional development in list for extra meeting allowance, Remove gifts and benefits section as covered with EM07