

## Payment of Expenses and Provision of Facilities

### INTRODUCTION

This policy is made in accordance with the Local Government Act 1993, section 252, which requires Council to adopt a policy for the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and other councillors.

#### Purpose of the Policy

*“to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors, and to ensure that the facilities provided to assist councillors to carry their civic duties are reasonable.”*

#### Objectives of the Policy

- *To provide a guide to Councillor’s expenses and facilities, and the process for paying expenses in a way that can be properly recorded, reported and audited.*
- *To apply to all Councillors.*
- *To provide additional facilities for the performance of mayoral duties.*

#### Legislative Requirements

The policy identifies expenses that will be paid and facilities that will be provided to councillors in the discharge of their civic functions, excluding annual fees paid within the limits set by the Local Government Remuneration Tribunal. Section 252 (1) also requires council to adopt such a policy within five months after the end of each year. Within 28 days of adoption, the policy must be submitted to the Department of Local Government, even if the policy is to be adopted unchanged from the previous year. Current policies are to be submitted to the Department by 30 November each year.

Under section 252(5) of the Local Government Act 1993 council’s expenses and facilities policies must comply with the said Guidelines as issued by the Department of Local Government on 28 May 2007.

Provisions of this policy in relation to the payment of expenses and the provision of facilities to councillors must be acceptable to and meet the expectations of the local community and, accordingly, this policy will be advertised for 28 days.

There are no provisions in this policy for a general expense or allowance clause. All expenses payments are either reimbursed after the event or reconciled if an advance payment is made to the mayor or a councillor.

The limits to expenses and the level of provision of equipment and facilities must be set to suit needs and capacity to afford them.

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File Number:	C9/7	Council Policy No:	CP87	Version No.:	2
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Attachments:	Nil				

This policy does not contain any circumstances in which legal expenses will be met by council for proceedings initiated by a councillor. Nor are there any provisions where legal expenses are met for a councillor defending any action in a matter not rising directly as a result of his or her civic duty.

Councillors are the elected governing body of the Wentworth Shire Council. To assist them to discharge their civic, statutory or policy functions, they are entitled to be provided with the necessary facilities and to be reimbursed for expenses incurred, in accordance with this policy and subject to the most efficient use of resources and budgetary constraints. Pursuant to section 252(3) of the Act, Council must not make payments for expenses incurred by, or provide any facilities to the Mayor or any other councillor otherwise than in accordance with this policy.

The council or council committee shall not close to the public that part of its meeting at which this policy is discussed, considered, adopted or amended.

#### Policy Status

This policy was formerly adopted by Council on (insert date) and commenced operation on (insert date). This policy replaces the previous version adopted on (insert date) and includes comprehensive amendments as prescribed by the relevant Payment of Expenses Guidelines from the Department of Local Government published in September 2006 (now superseded) and subsequent guidelines (Circular No. 07-22) issued by the Department on 28 May 2007.

#### Reporting Requirements

Section 428 of the Local Government Act 1993 requires councils to include in their annual report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors
- Provision of Facilities:
  - The cost of the provision of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile phones, telephones and facsimile machines and Internet installed in the councillors' homes (including line rental and Internet access). This item does not include the costs of using this equipment, such as calls.
- Expenses
  - The cost of phone calls including mobiles, home located landlines, facsimile and Internet services
  - Spouse/partner/accompanying person expenses (limited to circumstances outlined on page 14 of the Guidelines)
  - Conferences and seminar expenses
  - Training and skill development expenses

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- Interstate travel expenses (including subsistence and out-of-pocket expenses)
  - Overseas travel expenses (including subsistence and out-of-pocket expenses)
  - Carer and other related expenses (of dependants to enable a councillor to undertake his/her civic functions).
- Additional information as required by the Local Government (General) Regulation 2005

#### Legislative and Regulatory Provisions

The following statutory and regulatory provisions have been considered in formulating this policy:

- Section 252 of the Local Government Act 1993
- Section 253 of the Local Government Act 1993
- Section 254 of the Local Government Act 1993
- Section 23A of the Local Government Act 1993
- Section 428(2)(f) of the Local Government Act 1993
- Clause 217 of the Local Government (General) Regulation 2005
- Clause 403 of the Local Government (General) Regulation 2005

#### Other Government Policy Provisions

The following NSW Government Policies have also been considered:

- Department of Local Government Guidelines
- Department of Local Government Circulars
- The Model Code of Conduct for Local Councils in NSW
- ICAC publications

#### Approval Arrangements

Councillors wishing to attend a function, for which expenses will be claimed, should obtain approval for attendance at a full meeting of council. Where this is not possible or practical, a councillor must seek approval jointly from the Mayor and General Manager prior to committing to the event. In the case of the Mayor seeking such approval, the Deputy Mayor and the General Manager must give joint approval.

### **PAYMENT OF EXPENSES**

#### Meetings, Conferences, Seminars, Functions and Accommodation

Council will pay for, or reimburse, reasonable expenses associated with councillors attending meetings, conferences, seminars and authorised engagements, including accommodation and registrations as approved by the method prescribed above.

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Generally, reimbursement of expenses in accordance with this policy shall be made monthly. Expenses are to be detailed on a claim form to be presented at each monthly Council meeting, whenever possible supported by receipts, certified by individual Councillors and approved by the General Manager.

Accommodation for conferences, seminars etc. will be selected by Council on the basis of cost and convenience of location to the venue. A Councillor may choose accommodation at a different location, but which is at the same cost or less.

The number of accommodation days provided under this policy will include all official days of the conference / seminar and the days necessary to allow attendance and return home.

Service providers will be paid directly by Council. In cases where Councillors have organised their own accommodation and paid for it, reimbursement will be made on production of receipts.

Council will meet the accommodation costs of Councillors where it is necessary to stay overnight in order to attend authorised Council functions. These could include meetings or inspections starting early in the morning.

All claims for payment or reimbursement are to be in writing and must be submitted within 28 days of the expense being incurred. All claims must include all appropriate documentation and receipts.

Where a councillor is required to be absent from home overnight on official Council business, council will pay for one phone call home each night to a maximum of 10 minutes, charged to a motel bill.

Refreshments and meals will be provided to councillors for council and committee meetings, as required.

The costs for attendance at meetings/conferences/seminars/functions are not to exceed \$10,000 per councillor per annum\*.

*\*Explanatory note: The \$10,000 limit has been set to reflect the requirement for the Mayor to attend various conferences, for example Shires Association Conference, Australian Local Government Conference, Roads Congress, some of which may entail interstate travel;. Most councillors would not incur expenses totalling this amount in any 12 month period. The amount would most likely be much less (in the order of up to \$3,000).*

These costs include expenses relating to registration, travel, accommodation, meals and sundry items. Accommodation is to be reasonable and appropriate having regard to the circumstances. Where possible, accommodation costs in capital cities should not exceed \$250 per night and in other centres \$180 per night.

When accommodation is provided at the same venue as where the event is being held (eg the Shires Association Conference), such accommodation costs may be met by

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council despite the cost of the accommodation exceeding the limits prescribed by this policy.

Whenever a Councillor is attending to Council business spanning normal meal times the cost shall be met by Council or reimbursed on actual cost. Wherever possible, the cost of meals is to be incorporated with the accommodation otherwise reimbursement of actual cost will be paid upon the production of receipts. The cost of refreshments during meals shall be reimbursed and incorporated in the meal costs.

After returning from a conference, councillors (or an accompanying staff member) should provide a written report to council on the aspects of the conference relevant to council business and/or the local community. No written report is required for the annual conferences of the Local Government and Shires Association.

#### Associated Travel Costs

The Mayor and General Manager are to determine the most appropriate mode of travel to conferences etc having regard to availability, safety, economy and time considerations.

Councillors using their private vehicles to travel to and from meetings of council and committees of council, and/or to carry out other official council functions, may be reimbursed according to the rates prescribed by the Local Government State Award (52 cents per kilometre for vehicles less than 2.5 litres in capacity and 67 cents per kilometre for vehicles equal to or greater than 2.5 litres). Reimbursement will be made to and from Councillors usual place of residence to the meeting venue.

Councillors may choose to travel to meetings by other transport means and reimbursement will be made on production of receipts. However, reimbursement should not exceed the amount payable by using a private vehicle unless otherwise authorised by the General Manager.

Unless specifically resolved by Council because of special circumstances, travelling expenses will not be made for attending Council or committee meetings from outside the Shire boundary.

Where a council vehicle is available, councillors representing council at meetings/conferences/seminars/functions are to use a council vehicle rather than their private vehicle.

Council will either pay in advance or reimburse the councillor for public transport costs, including air tickets (for either intrastate or interstate functions where appropriate), incurred in representing council in an official capacity. Miscellaneous expenses responsibly incurred by Councillors in the exercise of their civic duties shall be met by Council including bus, taxi, and train fares.

All air travel is to be of economy class.

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Overseas travel must only be approved by a meeting of the full council and such visits should only be approved if there are direct and tangible benefits for council and the local community.

#### Payment for Spouses, Partners and Accompanying Persons

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature within the local government area. Such functions would be those that a councillor's spouse, partner or accompanying person could be reasonable expected to attend.

Council will meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Association's annual conferences. These expenses are to be limited to the costs of registration and the official conference dinner. Travel expenses and accommodation are not included and are the responsibility of the individual councillor.

If a service is shared between a Councillor and a spouse/partner, the expense associated with the service will be reimbursed as long as the expenses did not increase due the attendance of the spouse/partner.

### **PROVISION OF FACILITIES**

#### Home and Council Office Based Facilities

Council provides the following home or council based facilities: a diary, badge and business cards as requested.

Secretarial services will be provided for councillors requiring such services to discharge their official duties, eg typing of delegate's reports.

The Mayor will be provided with stationery printed with the Mayor's letterhead for use in carrying out the functions of civic office. Where letters sent by the Mayor cannot be sent from the administration office, the Mayor will be reimbursed any postage costs.

Councillors may be provided (upon request) with the following for Council business:

- Faxing and/or forwarding of official correspondence
- Writing pads, envelopes, writing pens, folders, name badges, dairies
- Business cards
- Computers and/or fax machines (at the residences of councillors to facilitate Council business. All installation and operating costs (for Council purposes) will be met by Council. The equipment will remain at the residence, or as otherwise determined and agreed to by the General Manager, of the Councillor during their term of office, with ownership at all times remaining with Council.
- Councillors are entitled to utilise office support services provided by the General Manager's Executive Assistant for their civic duties including use of telephones, secretarial, committee room etc.

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- Council may provide Councillors with manuals and reference material in order to carry out their responsibilities.
- One jacket with Shire Council logo
- One corporate tie or scarf

Under no circumstances shall Councillors use administration services or other facilities provided in association with local, State or Federal Government election material.

### Mayor

The Mayor will be provided with an adequately furnished room to fulfil the duties of office. The room will be equipped with such technology considered necessary by the Mayor and General Manager.

The Mayor will be provided with a computer, printer and e-mail facilities at his or her place of residence with all capital and operating costs being met by Council.

A fully serviced and maintained motor vehicle complete with mobile phone and car kit for the purposes of discharging the functions of the civic office will be provided, with private use of the motor vehicle in accordance with Council's "Use of Council Vehicle Agreement".

### Private Benefit

Fees payable to the Mayor, Deputy Mayor and Councillors will not be reduced for any private benefit gained from the private use of facilities.

Councillors are required to make payment for any private use of Council facilities in accordance with Council's Code of Conduct and Guidelines.

Councillors must use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes unless such use is lawfully authorised and proper payment is made.

Councillors must not convert any property of the Council for his or her own use.

### Insurance

Councillors are covered under the following council insurance policies while discharging their duties of civic office including attendance at meetings of external bodies as council's representative:

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Personal Accident:

Personal Accident insurance covers personal injury which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement and extends to cover authorised accompanying partners/spouses. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is subject to limitations or conditions set out in Council's policy wording. The cover does not include medical expenses.

Professional Indemnity:

Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.

Public Liability:

Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.

Councillors' & Officers' Liability:

Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council including any act, error, mis-statement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted individually or otherwise, in the course of the duties of that Councillor or Officer. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the policy of insurance.

Statutory Liability:

Provides protection against fines and penalties arising out of breaches of Acts of Parliament.

Private Motor Vehicle Insurance Excess

Council will pay the excess on a Councillor's private comprehensive motor vehicle insurance policy for damage sustained in a motor vehicle accident whilst using a private vehicle on Council business up to a maximum of \$1,000 per annum.

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Legal Expenses

Council may indemnify or reimburse the legal expenses of a councillor in the following circumstances:

- Defending an action arising from the performance, in good faith, of a function under the Local Government Act 1993 (section 731 refers).
- Defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act.
- For proceedings before the Local Government and Disciplinary Tribunal (or an investigative body) provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

Council will not:

- Meet expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term of office; or
- Meet the costs of an action in defamation taken by a councillor as plaintiff in any circumstances: or
- Meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Training and Educational Expenses

Council will meet the reasonable costs associated with training its elected body in relation to a councillor's obligations and duties. Such training requires prior approval from Council.

Care and Other Related Expenses

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred while attending essential Council business. This may include childcare expenses and the care of immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only.

Expenses will be reimbursed on production of receipts and application must be made to the General Manager on an appropriate form on each occasion that care is required..

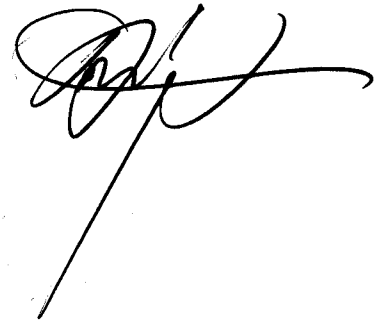
Return of Equipment and Facilities by Councillors

At the cessation of their civic duties (or if on a period of extended leave) councillors are required to return all equipment and stationary issued to councillors by council. Such equipment and stationary should be returned within 28 days of ceasing civic duties or commencing extended leave.

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**OTHER MATTERS**Review

This policy must be reviewed annually with public notice to ensure it meets the requirements of legislation, the needs of Council, and meet the expectation of the community. Once amended or reaffirmed this policy must be submitted to the Department of Local Government by 30 November each year.

**Authorisation:**


Position: General Manager

Date: ..21/11/2007

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