

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS

ES70



NARRANDERA SHIRE COUNCIL POLICY

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Policy No:	ES70
Policy Title:	Payment of Expenses and Provision of Facilities to Mayor and Councillors
Section Responsible:	Executive Services
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MagiQ File No:	9661
Next Review Date:	During Council Term 2020 – 2024

Purpose

The purposes of the policy are:

- To ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors,
- To ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable;
- To provide appropriate and reasonable facilities to enable the Mayor, Deputy Mayor and Councillors to fulfil their civic responsibilities and obligations;
- To provide clear guidelines on what types of expenses Councillors are entitled to claim payment for or reimbursement from the Council;
- To ensure that no Councillor suffers financial hardship in meeting his/her legitimate civic responsibilities and obligations; and
- To meet the statutory requirements of sections 252 and 253 of the Local Government Act 1993 and section 403 of the Local Government (General) Regulation 2005.

Scope

- The policy applies to the Mayor and Councillors. It also applies to Administrators of Council where appropriate.

Legislative Provisions

PART 1 - Policy and Legislative Framework

Clause 217 of the Local Government (General) Regulation 2005 requires Councils to include in their annual report details about the payment of expenses and facilities to Councillors:

- The council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- The total amount of money expended during the year on providing those facilities and paying those expenses
- Additional information as required by the Local Government (General) Regulation 2005.

Provisions under the Local Government Act 1993. Sections 252(5) and 253 of the Local Government Act 1993 require Councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government by 30 November each year. Council must give Public Notice of its intention to adopt or amend the policy allowing at least 28 days for the making and consideration of public submissions. Before adopting or amending the policy, Council must consider any submissions and make any appropriate changes to the draft policy or amendment.

Section 252 of the Local Government Act 1993 requires Councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to Mayors, Deputy Mayors and other Councillors. Mayors and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a Council to reduce the amount payable to Mayors and Councillors (under sections 248-251 of the Local Government Act 1993) by the amount representing any private benefit of a facility provided by the Council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 253 specifies actions that Council must undertake before a policy concerning expenses and facilities can be adopted or amended. Section 254 requires that a part of a Council or Committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

The Government Information Public Access Act 2009 and Regulation 2010 provides that the public is able to inspect during office hours at the Council, and at no charge, the current version of the Council's expenses and facilities policy. The public are

also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A For the purpose of the LGA, the Director General may from time to time prepare adopt or vary guidelines relating to the exercise by a Council of any of its functions. A Council must take into consideration any relevant guidelines issued under this section before exercising any of its functions.

Other Government Policy Provisions

- DLG Guidelines for payment of expenses and provision of facilities in NSW – October 2009
- Model Code of Conduct
- DLG Circular to councils"- 05/08 'Legal Assistance for Councillors and Council Employees'
- ICAC publications – "No excuse for Misuse"
- Local Government Act, 1993

Approval Arrangements

For Councillors wishing to attend a function other than those specifically covered by this policy and for which expenses will be claimed, approval should be obtained where possible at a full Council meeting. Where this is not possible, approval is to be provided jointly by the Mayor and Chief Executive Officer in the statutory role as General Manager and reported to the next Council meeting.

If the Mayor requires approval to travel and it is not possible to place the matter before a Council meeting, the approval is to be provided by the Deputy Mayor and the Chief Executive Officer in the statutory role as General Manager and reported to the next meeting.

No travel outside of Australia is to be approved other than by Council resolution.

PART 2 - Payment of Expenses

General Provisions

Claiming of Expenses

All claims for expenses are to be in writing and submitted within two months of the expense being occurred. Claims are to be supported by the submission of appropriate receipts and tax invoices. No payment of general expense allowances will be made.

Private Benefit

No private benefit, other than incidental, will accrue to Councillors from expenses paid or facilities provided. Councillors should not generally use Council equipment for their own personal benefit. However, it is acknowledged that incidental use of Council equipment for private benefit may occur. Such incidental use will not be subject to repayment. As a guide an amount of \$20 is considered to be incidental use in this regard.

Where more substantial use of Council equipment occurs Council will seek reimbursement at a rate determined by the:

- (i) Mayor/Deputy Mayor and the Chief Executive Officer in the statutory role as General Manager; or
- (ii) the Council, depending upon the circumstances.

Dispute Process

Any dispute over the payment or reconciliation of expenses to a Councillor is to be addressed in writing to the Chief Executive Officer in the statutory role as General Manager outlining reasons. If available, the disputed claim should be supported with relevant documentation. The Chief Executive Officer in the statutory role as General Manager is to review the matter within 14 days and provide a written response detailing his/her resolution to the dispute.

Allowances and Expenses

Where the business of Councillors requires Councillors to travel from Narrandera and/or obtain overnight accommodation, the actual cost of those expenses and other reasonable incidental expenses shall be met or reimbursed by the Council.

Councillors shall meet any additional costs associated with the attendance of their partners unless such attendance is specifically covered elsewhere in this policy.

Where a Councillor incurs sustenance expenses that arise from attending to business which has been approved in accordance with this policy, but does not involve an overnight stay and/or absence from the Shire, reimbursement of actual costs incurred will be paid provided that there is adequate substantiation of the expenditure.

Relationship between Annual Fees and Expenses

It is noted that Councillor annual fees do not fall within the scope of this policy.

Council has resolved that:

Having regard to the Local Government Remuneration Tribunal's determination of a fee range for Councillors and the Mayor, Council shall always pay the maximum fees as determined by the Tribunal for the category of Council into which Council has been classified by the Tribunal

Councillors are to be paid monthly in arrears in accordance with the provisions of the Local Government Act 1993.

Administrator

This policy applies in the event of any Administrator appointed to administer Council.

Reimbursement and Reconciliation of Expenses

Councillors are to provide receipts to support all claims for reimbursement or substantiate payments from advances or in the event that a receipt is not provided a signed certification confirming the details of the expense will be required.

Payment in advance

Where it is likely that a Councillor will incur expenses as a result of attending to business outside the Council area, and where it is not possible for those expenses to be pre-paid or charged directly to the Council, the Councillor is entitled to claim a sustenance allowance in accordance with Council limits per overnight stay to be drawn in advance.

Such an allowance is not authority to incur unsubstantiated expenses to that amount. Any expenses paid from the sustenance allowance shall be fully substantiated and the unexpended balance of the sustenance allowance repaid to Council. The pre-payment of the allowance is not to be regarded as a general expenses allowance.

Establishment of Monetary Limits and Standards

Accommodation

Accommodation is to be reasonable and appropriate to the occasion. As a guide the limit on accommodation in capital cities is ~~\$300~~ **\$350** per night and in other centres \$180 per night. Where the accommodation is provided at the facility where the event is being staged (as is the case for the Local Government NSW Conference), the policy provides for accommodation to be provided at that location even if cost of the accommodation exceeds the nominated limit.

Sustenance

Reasonable sustenance expenses paid by Councillors who attend authorised Council business shall be reimbursed to Councillors on the presentation of receipts. At Councillor Workshops sustenance will be provided at Council's cost.

Council will pay for Councillors' sustenance at civic events when sustenance is provided for all guests.

After each Council meeting Councillors may attend a fellowship dinner where Councillors will pay for their own meal and drinks.

Council will pay for the annual Christmas dinner for each Councillor and their guest and the End of Council term dinner for each Councillor and their guest.

Childcare

Childcare expenses of up to \$40 per hour and a maximum of \$1,000 per financial year will be paid to allow Councillors to perform official civic duties. The care is not to be provided by someone who normally lives at the Councillor's residence.

Spouse and partner expenses

Council shall meet the cost of the attendance of spouse/partners at the conference dinner at the annual conference of the Local Government NSW. Any additional costs associated with travelling, accommodation and/or participation in partners' programs shall be the responsibility of the Councillor.

Council shall meet the costs of spouse/partners accompanying Councillors to functions in the local area where the Councillor is attending the function as a representative of Council.

Council shall meet the costs of a spouse/partner accompanying the Mayor, or a Councillor representing the Mayor, to functions where the Mayor or Councillor is attending the function as a representative of Council.

In situations where spouse/partners accompany Councillors at seminars, conferences and the like, all additional costs arising from the spouse/partner's attendance are the responsibility of the Councillor.

Incidental Expenses

Council will reimburse Councillors incidental expenses associated with an approved attendance at conferences, seminars or training courses. Incidental expenses could include but are not limited to telephone, facsimile, refreshments, internet, Wi-Fi,

laundry, dry cleaning, taxi fees, parking fees and meals not included in the registration fees. Any incidental expenses would be subject to a daily limit of \$120 and justified through a claim form and reconciliation.

Specific Expenses for Mayors and Councillors

Attendance at Seminars and Conferences

A. Local Government NSW Annual Conference

Council shall be represented at the annual conference of the Association by the Mayor, Deputy Mayor, Chief Executive Officer and their spouses/partners. Costs for spouses/partners **are** to cover registration and dinner only.

Additionally, Council shall provide a once only opportunity for a Councillor/s (to a maximum of two Councillors only for each annual Conference to attend the annual conference during the four year term of the Council.

In addition to the delegates nominated above a Councillor not seeking re-election at the next general election and entitled to receive a Local Government NSW Association long service certificate shall be entitled to attend a conference in the final year of a term of Council to partake in the presentation of such certificate.

B. RAMROC Conferences

It shall be the policy of Council for those Councillors wishing to attend these meetings be enable to do so.

C. Other Conferences and Seminars

Attendance at other conferences and seminars shall require the specific approval of Council as provided for elsewhere in this policy.

After returning from the conference, Councillors or a member of Council staff accompanying the Councillor/s, 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 NSW.

Council shall pay conference registration fees charged by the conference organisers including the costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the council.

Training and Educational Expenses

Council understands the importance for elected officials, as community leaders, to be kept up to date with requirements and will meet all reasonable expenses associated with training that relates directly to a Councillor's duties and obligations as an elected member.

Travel Arrangements and Expenses

Form of Travel

The Mayor and the Chief Executive Officer are empowered to determine the mode of travel having regard to availability, economy, time and safety factors when travel is required outside the Council's area.

Travel by air within Australia to be economy class, unless otherwise specified by Council. Councillors are prohibited from seeking any private benefit which includes frequent flyer points.

When travelling by vehicle outside of the Narrandera Local Government Area for authorised Council business, a suitable Council vehicle will be provided. If a Council vehicle is not available or it is not feasible to use a Council vehicle, Councillors will be paid the prescribed kilometre rate in the Local Government (State) Award for using their own vehicle. Should a Councillor decide to use their own vehicle when a Council provided vehicle is available, they will be reimbursed on the basis of fuel costs only on presentation of receipts.

The driver of the personal vehicle or Council vehicle, while attending Council business, will be personally responsible for any incurred traffic or parking fines.

Wherever possible, every effort is to be made to minimise travel costs through the use of Council vehicles and sharing with other Councillors and staff where appropriate.

Reimbursement for use of a Councillor's private vehicle is available if the distance travelled for each individual trip is greater than ten kilometres for each of the following individual trips:

- travel to/from Council and Council Committee meetings
- travel to/from authorised inspections
- travel to/from Council authorised workshops, courses, seminars or conferences that are held within the area of Narrandera Shire Council.

Reimbursement will not be paid for any travel expense incurred through attending to civic needs except as provided by this policy.

Council staff shall under normal circumstances make arrangements and bookings for travel and accommodation needs.

Gifts and Benefits

Councillors are to refer to Council's Gifts and Benefits Policy ES40 for guidance with any gifts given or received noting that any such gift is to be of a token value.

Care and Other Related Expenses

Child and Other Care

Reasonable expenses of a Carer will be reimbursed for childcare and care of frail aged and/or disabled individuals who reside at the Councillor's household and for whom the Councillor is the primary Carer while the Councillor is attending Council and Committee meetings, or while representing the Council in an official capacity.

Insurance Expenses and Obligations

The Mayor and Councillors will be covered by Council's insurance policies in the course of their official duties as elected local representatives. Such coverage will include the following:

- Public Liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of Councillor's performance of their civic duties and/or exercise of their control functions)
- Personal Injury while on Council business. Note that Councillors are not covered by Workers' Compensation payments and arrangements
- Travel Insurance for approved intrastate, interstate or overseas travel.

All insurances are subject to the limitations with the insurance policy coverage.

Legal Expenses and Obligations

Council shall indemnify or reimburse the reasonable legal expenses of a hearing into a Councillor's conduct by an appropriate investigative or review body in the following actions:

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- a. A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731); or
 - b. A Councillor 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; or
 - c. A Councillor for proceedings before the Council's Conduct Review Committee/Reviewer, Office of the NSW Ombudsman, Independent Commission Against Corruption, Division of Local Government, Department of Premier and Cabinet, NSW Police Force, Director of Public Prosecutions Local Government Pecuniary Interest 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 the costs of an action in defamation taken by a Councillor or council employee as plaintiff in any circumstances. Council will not meet the costs of a Councillor or council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

PART 3 - Provision of Facilities

General Provisions

Provision of Facilities Generally

Council facilities and equipment shall only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council. Under no circumstances are Council resources/facilities to be used for political purposes.

Provision of Equipment and Facilities for Councillors

Use of Equipment and Facilities

Councillors may have access to Council telephones during hours when the Council Administrative Office is open.

Except in an emergency, Councillor's use of Council's telephone shall relate to the business of Council only.

Council will provide Councillors with a name-badge and business cards.

Council will provide Councillors with an iPad for the distribution of Council and Committee business papers and for the use by Councillors at Council and Committee meetings. No paper based reports are provided.

The Council iPads will also be used for a communication link and dissemination of Council information via email.

Participation, Equity and Access

Narrandera Shire Council encourages all members of the community to be involved in Local Government affairs and in particular those members who seek to stand for Council and who have disabilities. Council has installed a Lift from the ground floor to the first floor of the Council Chambers. Additionally, Council provides a microphone and sound system during Council meetings to support people with hearing impairment. Council commits to allowing the provision of transport or other reasonable facilities to assist people with disabilities who have an interest to be involved and partake in civic duties as a representative Councillor.

Acquisition and Return of Equipment and Facilities by Councillors

Councillors are to return to the Chief Executive Officer any Council owned and provided equipment after the completion of their term of office, extended leave of absence or at the cessation of their civic duties. Such equipment to be returned within 24 hours of cessation.

Provision of Additional Equipment and Facilities for Mayor

Appropriate secretarial support will be provided for undertaking the duties of Mayor.

A fully furnished Mayoral Office with provision of a land line telephone for Council business will be provided.

Ceremonial Mayoral Chains will be provided.

Appropriate stationery of pens, paper, diary and other appropriate stationery items are to be provided to assist the Mayor in the performance of the day to day duties.

Appropriate refreshments and beverages (including alcohol) will be provided as required to the Mayor for hospitality purposes.

Council shall, if required, provide and maintain a facsimile machine for the use of the Mayor at his/her place of residence.

Council shall provide a mobile telephone for Council use only by the Mayor to a monthly maximum expense of \$150. Any amount above this amount will require endorsement by the full Council.

Related Legislation/ Guidelines/ Narrandera Policies and Associated Procedures

- Delegations of Authority.
- Code of Conduct
- Councillors Gift Register – all gifts ~~with a total value greater than \$50~~ must be reported to Executive Services for inclusion in the Councillors Gift Register. For further information refer to Gifts Benefits and Hospitality Policy ES40. Trim number ED/45-20.
- Gifts Benefits and Hospitality Policy

Policy History

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J.A. Charlton

Signed Chief Executive Officer

Date: 15/12/2016