

TEMORA SHIRE COUNCIL



TEMORA
The Friendly Shire

PAYMENT OF FEES & EXPENSES & THE PROVISION OF FACILITIES FOR COUNCILLORS

ACTIVE

Review Details

ABOUT THIS RELEASE

DOCUMENT NAME: Payment of Fees & Expenses and the Provision of Facilities for Councillors
CODE NUMBER: G1
AUTHOR: Temora Shire Council
ENDORSEMENT DATE: 21 April 2011

REVIEW

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
April 2011	To meet legislation	1	21 April 2011	GCL
November 2011	To meet legislation	2	17 November 2011	GCL
March 2015		3	19 March 2015	GCL
October 2016	To meet legislation	4	19 January 2017	GCL
October 2017	Remove mileage rates	5	N/A	GCL
March 2020	Add clause O5, clarify clause M, Increase limit clause D1	6	21 May 2020	GCL
March 2021	No review necessary. Required within 12 months of election	7	N/A	GCL
February 2022	Required by legislation.	8	17 February 2022	GCL

PLANNED REVIEW

Planned Review Date	Revision Description		Review by
31 March 2020	Review		General Manager
October 2021	Review		General Manager
March 2025	Required review		General Manager

PART 1 – INTRODUCTION

- Title:** PAYMENT OF FEES AND EXPENSES AND THE PROVISION OF FACILITIES FOR COUNCILLORS
- Purpose:** The purpose of the policy is to ensure that there is accountability, transparency and consistency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities, provided to assist Councillors to carry out their civic duties, are reasonable.
- Description:** This document describes the manner in which Councillors' fees and expenses are determined.
- Objective:** To document the expenses of Councillors which Council will meet and the facilities which Council will provide in relation to Councillors and Administrators discharging their functions of civic office.

PART 2 – PAYMENT OF EXPENSES

General Provisions

A. Allowances and Expenses

1. The payment of expenses and the provision of equipment and facilities to Councillors, within this Policy, will not exceed the limits as set out in the subsequent paragraphs nor be for general expenses involved in representing constituents or private benefits.
2. Payments within this Policy are for specific expenses and no general expense allowance will be provided to Councillors. Specific expenses are restricted to expenditure, other than remuneration and items listed within this policy, incurred in carry out civic duties and as delegates of Council. Gifts and benefits to other persons are not considered to be expenses for the purposes of re-imbusement under this Policy. Expenses incurred in general political activity or fund raising functions are not considered to be expenses incurred in carrying out civic duties.
3. Council will set the annual fee for every Councillor every year, during its Budget session, within the guidelines of the Remuneration Tribunal. The annual fee is separate to and does not form part of fees and expenses under this Policy.
4. The cost of meals & refreshments provided to Councillors at Council functions or following monthly Council meetings will be met by the individual Councillor. Such costs will be levied monthly.
This clause does not extend to official morning or afternoon tea or Mayoral receptions.

B. Reimbursement and Reconciliation of Expenses

1. Claims for reimbursement of out-of-pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form, signed and accompanied by the appropriate receipts and/or tax invoices.

Disputes as to entitlement for a claim for expenses will be determined initially between the claimant and the General Manager, using this policy as the guideline. In the event of the claim not being satisfactorily resolved by the General Manager and claimant the determination will be made by Council.

2. Where the provision of a Council car (Part 3 – Provision of Facilities) is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council; at a rate as set out in the Local Government (State) Award.
3. The policy will be flexible to optimise the journey and minimise the cost to Council of the travel. The General Manager and Mayor, or deputies in their absence, are authorised to assess these matters and to determine the reimbursement of costs involved for travel in accordance with the flexibility proposed in this policy.

It is important to provide flexibility in meeting the costs of travel. Depending on the circumstances, it may be appropriate to provide a Council vehicle for the trip. Alternatively, it may be determined to be appropriate for the Councillor or accompanying staff member to use their own vehicle and for Council to meet the reimbursement costs at the standard rate or travel by other forms (air, train).

C. Payments in Advance

Council will provide an advance payment to meet re-disbursable out-of-pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this Policy. Cash advances will be provided for overnight stays at a rate as follows:

- Sydney \$40/night
- Other capital city \$30/night
- Other \$20/night

D. Establishment of Monetary Limits

1. Council will provide accommodation, up to a four star standard, which in a Metropolitan area may cost up to \$360 per night and Regional centres where costs of up to \$200 per night, and regional areas may cost up to \$160 per night may apply. In all instances the most reasonable rate must

- be used.
2. The cost of accommodation does not include parking, breakfast or Wifi.
 3. In the event that no accommodation can be reasonably found within these limits there must be a written explanation given outlining the circumstances and providing alternative accommodation details.
 4. Council will provide meal reimbursement as set out in Clause 3 of Specific Expenses for Mayor and Councillors.
 5. All purchases from the mini bar or similar must be met by the staff member or councillor.

E. Spouse and Partner Expenses

1. There will be instances when costs will be incurred by a Councillor on behalf of their spouse, partner or accompanying person in the performance of his or her civic duties. An accompanying person would need to have a close personal relationship with the Councillor and/or provide carer support to the Councillor. These civic duties include the attendance at official Council functions that are of a formal or ceremonial nature, and those at which a Councillor's spouse, partner or accompanying person would reasonably be expected to attend. Such costs are reimbursable to the Councillor.
2. Council will meet the cost of registration and official conference dinner at the Local Government NSW Conference of the spouse, partner or accompanying person of Council's representatives. Additional travel expenses, additional accommodation expenses and the costs of spouse, partner or accompanying person tours within the conference program and all costs outside the program will be the personal responsibility of the individual councillor.

Specific Expenses for Mayor and Councillors

F. Seminars and Conferences

1. Council will be represented at the Local Government NSW Conference by the Mayor, and Deputy Mayor, General Manager and also Councillors (as determined annually by Council). The Council will also be represented at the Annual Roads Conference by the Mayor, or alternative delegate & Director of Engineering Services. All other conferences and seminars will be with the prior approval of Council; or where insufficient time is available, by the written authority of the Mayor.
2. Council will provide accommodation, where possible, at the Conference Headquarter Hotel for the Local Government NSW and the Roads Conferences. When attending other conferences, seminars and other functions, the accommodation will be provided at the facility where the function is to be held or at a nearby equivalent quality facility.
3. Council will meet the cost of meals during travel to seminars, meetings, conferences and out of district inspections up to a daily limit of \$120 (with

guidelines of \$30 for breakfast, \$30 for lunch and \$60 for dinner). Council will also provide such meals, not included in the registration fees, during the period of the seminar, meeting, and conference and out of district inspection, not included in the registration fees.

4. If a Councillor holds a role on an external body, representing Council or the broader local government community, this policy will extend to these roles. An example of such a role would be a delegate to a Joint Organisation.

G. Councillors' Training

Council will provide the opportunity and encourage Councillors to undertake training and education. This training can be supplied by

1. Local Government NSW Learning Solutions or other approved providers as funded by the annual budget and authorised by Council.
2. The Council will authorise up to one (1) Councillor annually to undertake the Executive Certificate for elected members conducted by LGNSW and UTS.
3. In the case of relevant vocational training, assistance will be reviewed on a case by case basis on application.
4. Assistance will be determined by Council and may include:
 - a. Provision of assistance with travel costs or motor vehicle
 - b. Provision of reasonable accommodation to attend compulsory course requirements
 - c. Payment of all or part of course fees

H. Local Travel within 600 kilometre radius of Temora

Council will meet the cost of travel, within 600 kilometres radius of Temora; including road tolls, accommodation; meals and out-of-pocket expenses to Councillors when attending seminars, meetings, conferences or out of district inspections or Committee Meetings when such attendance is approved by Council or Council's authorised delegate, and when the Councillor is officially representing the Council. Appropriate levels of beverages and refreshments are considered to be part of meal costs. The level of accommodation is set out in Clause 2 and the Establishment of Monetary Limits and meal limits in Clause F 3 of this section.

I. Travel outside the 600 kilometre radius of Temora

1. When the travel, accommodation, meals and out-of-pocket expenses do not relate to the regular activities of Council's Committees, when the distance is outside the 600 kilometres radius of Temora, travel costs are substantial and overnight accommodation is involved, then authority to attend such meetings needs to be provided by Council resolution. The level of accommodation is set out in Clause 2 and the Establishment of Monetary Limits and meal limits in Clause F 3 of this section.
2. Council will not reimburse Councillors for any overseas travel.

J. Telephone

Council does not provide a fixed line phone to the house of the Mayor or any Councillor and also does not meet the costs of private phone calls.

Refer Clause O(3) for mayoral mobile phone.

K. Internet

Council will provide each Councillor with an allowance for an internet connection and portable device to enable them to discharge their functions of civic office. The allowance shall be \$50 per month.

L. Care and other Related Expenses

In addition to Clause 1 of Spouse and Partner Expenses, Council will provide support in the exercise of the Councillor's civic duties to a carer of a Councillor with special needs or the Councillor as a carer, as the need arises.

M. Insurance

Council provides insurance against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their council function (Appendix 1). Council also provides personal accident insurance for Councillors while on Council business in accordance with documents provided in Appendix 2.

N. Legal Expenses and Obligations

1. In the event of any enquiry, investigation or hearing by any of:
 - ◆ Council's Conduct Review Committee/Reviewer
 - ◆ the Independent Commission against Corruption;
 - ◆ the Office of the Ombudsman;
 - ◆ the Office of Local Government;
 - ◆ the Police;
 - ◆ the Director of Public Prosecutions; or
 - ◆ the Local Government Pecuniary Interest Tribunal,into the conduct of a Councillor; or any legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall progressively meet the expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, with the proviso that such expenses will need to be repaid to Council if eventually the enquiry, investigation, hearing or proceedings result in a finding which is substantially unfavourable to the Councillor as determined by Council on advice of its legal representative.
2. Council's policy position is that individual Councillors should not be subject to unjustified criticism or defamatory statements or personal abuse while those people are carrying out their legitimate and authorised civic duties. Third parties need to be aware of the fact that they should not be able to make unjustified, defamatory or abusive comments concerning Councillors while they are carrying out their authorised duties with impunity. This policy does not imply in any way that people should be prevented from making criticism of the action of Councillors or Council policy. The policy aims to ensure that when people make

such criticism, they do not make personal defamatory statements.

3. Council's general policy is that it will support individual Councillors in defending themselves against such defamatory or abusive comments. Such support may involve Council obtaining general legal advice to assist it in understanding its own position. The support will not include Council meeting the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances. In the case of criminal assault of a Councillor, Council's support will include assisting that Councillor in advising and informing relevant police officers. In the case of civil matters such as defamation, the support will be restricted to publicly-expressed statements of confidence in the person's actions
4. Any information provided to a Councillor under this Policy shall be given to the Mayor and the General Manager and, at the Mayor's and General Manager's discretion, be supplied to all Councillors.

O. Additional Mayoral Facilities and Expenses

1. That the Mayor or the Mayor's delegate will be reimbursed for travelling costs associated with attending all functions connected with the carrying out of his or her official duties.
2. Council will set the annual fee for the Mayor every year, during its Budget session, within the guidelines of the Remuneration Tribunal.
3. Council provides a mobile phone for use by the Mayor for official telephone calls related to the functions of civic office and meet the costs of official phone calls, with the expected cost of these calls not to exceed \$100 per month.
4. In accordance with Section 249 (5) of the Local Government Act, if the Mayor is absent from duty for a period in excess of one month, then Council may pay the Deputy Mayor a proportional fee, based on the time that the Mayor is absent from duty and reduce the Mayor's annual fee accordingly.
5. As the Mayor is not provided with a permanent Council vehicle, an arrangement may be made by the General Manager to reimburse fuel for the use of a private vehicle when a Council vehicle is not available for Council or regional organization events.

PART 3 – PROVISION OF FACILITIES

1. Council will, wherever possible provide a Council car, for the use of Councillors in attending Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council, outside the Council area.

2. The General Manager is authorised to have staff provide advice, to provide appropriate information and to provide appropriate secretarial services and use of business and office equipment including access to internet and email to Councillors for any activity which the General Manager agrees are related to Councillors properly carrying out their civic duties as defined in Section 232 of the Local Government Act. This provision will not apply to matters involving election activities. The General Manager is required to provide reasons to the Councillor involved, in writing, for refusing to provide facilities requested. Councillors can then request that the facilities be provided by means of a Notice of Motion to Council.
3. The priority of works involved in providing facilities to Councillors will be determined by the General Manager after consideration of other priorities of workload for staff. The needs to comply with the mandatory reporting requirements of the Local Government Act, to prepare Business Papers for Council Meetings on schedule, to meet Council's industrial obligations and to allow service functions to operate without undue interruptions will be given first priority by the General Manager
4. Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.

PART 4 - OTHER MATTERS

1. **Return of Facilities**
Councillors will return to the General Manager any equipment provided to the Councillor (in good order, subject to normal wear and tear) at the end of the period of use or the term of office, as requested by Council
2. **Legislative Provisions**
This policy is to be reviewed Once in the term of Council, within 12 months a general election in accordance with S252(1).
3. **Reporting Provisions**
Council will report the total amount of monies expended during the year on Mayoral fees and Councillor fees, the Council's policy on the provision of facilities for use by Councillors and the payment of Councillors' expenses, together with a statement of the total amount expended during the year on the provision of such facilities and the payment of such expenses in its annual report (Section 428 of the Local Government Act) and additional items as required from time to time by Clause 217 of the Local Government (General) Regulations 2005.
4. **Other Government Policy Provisions**
Government Policy provisions affecting this policy include:
Office of Local Government guidelines for payment of expenses and provision of facilities

Temora Shire Council Code of Conduct
Office of Local Government Circulars to Councils
ICAC publications

5. **Council Staff**

The provisions of this policy also apply to Council Staff and the Training Plan.