

# Payment of expenses and provision of facilities for Councillors

PROCEDURE 1.1.2 (d)

POLICY NO AND TITLE	<b>1.1.2</b>	<b>Behaviour of Councillors and staff policy</b>
PROCEDURE	1.1.2 (d)	Payment of expenses and provision of facilities for Councillors
VERSION AND DATE ADOPTED	2	28 September 2008
RESPONSIBLE OFFICER		Manager Corporate Services
REPORTING REQUIREMENTS		To be included in the Annual Report
LEGISLATIVE PROVISIONS		Local Government Act 1993 S 252 Local Government (General) Regulation 2005
OTHER POLICY PROVISIONS		DLG Guidelines and Circulars, Model Code of Conduct. ICAC Guidelines

## Introduction

The procedure has been adopted to ensure that Councillors are reimbursed for expenses incurred (or to be incurred) by them in relation to the discharge of the duties and functions of their civic office. The procedure also establishes and determines the extent of the provision of facilities for Councillors, the Deputy Mayor and the Mayor to assist them in discharging the duties and functions of their civic office.

The procedure incorporates all requirements of the Department of Local Government guidelines for the payment of expenses and provision of facilities to Councillors (2006).

## Fees payable to Mayor and Councillors

### Councillors

1. The Council will fix by resolution the annual fee payable to Councillors in keeping with Section 248 of the Local Government Act 1993 and the determination of the Remuneration Tribunal. If Council does not resolve to fix an annual fee for Councillors, the fee payable is to be the minimum of the range determined by the Remuneration Tribunal.

### Mayor

2. The Council will fix the annual fee payable to the Mayor in keeping with Section 249 the Local Government Act 1993 and the determination of the Remuneration Tribunal. If the Council does not fix an annual fee the fee payable is to be the minimum fee determined by the Remuneration Tribunal.

## **Time limit for payment of fees and expenses**

The reimbursement of expenses are to be claimed within two calendar months of them being incurred unless the Council, by resolution, determines that special circumstances exist. In this situation a claim can be submitted within two months of the decision of the Council.

## **Expenses incurred in Council's area**

Councillors may claim travel allowance as defined under this part and reasonable sustenance and incidental costs in respect of any legitimate business conducted in the Council area subject to the completion of claim forms which are to be provided, accompanied by receipts and tax invoices

Travel under this part is to be taken to include only travel to and from Council meetings, meetings of Council committees, sub-committees and other Working Groups of the Council, meetings of other organisations on which Councillors serve as delegates and site inspections where those inspections have been recommended by Council officers in a report to the Council or a Council committee or resolved by the Council, and meetings activities or inspections where the Councillor has been invited to attend by the Mayor, General Manager or Group Managers.

This section is to be taken to include travel and incidental costs incurred (or to be incurred) by a Councillor representing the Council at meetings or gatherings of Regional bodies outside the Council area approved by the Council or the General Manager.

Travel by private vehicle is to be reimbursed in accordance with the rates set out in clause 10(v)(a) of the Local Government (State) Awards as they apply from time to time.

A limit of \$50.00 per day shall apply for incidental costs.

## **Travel and accommodation outside Council's area**

Council will meet the actual cost of travel (including airfares at economy class rates), accommodation, and related incidental expenditure outside the Council area. This will only apply in cases where the purpose of the travel has been authorised by resolution of the Council or in an emergency where approval is given by the General Manager. This section of the policy is to be taken to include the registration fee for attendance at a conference or seminar authorised by resolution of the Council.

When Councillors are required to travel out of the Council area by motor vehicle a Council vehicle will generally be provided for the Councillors use. When a Council vehicle is not available and a private vehicle is used, the rate of reimbursement is to be at the rates provided for under the relevant Local Government (State) Awards for travel allowance at the time. Council staff shall arrange all air travel which is to be coordinated through the General Manager. Councillors shall not be entitled to any loyalty benefits or similar schemes offered by airlines.

Accommodation reservations will generally be arranged for Councillors by Council staff. In any case preference is to be given to accommodation venues where Government discounts apply.

Accommodation in conjunction with a Seminar or Conference is to be at the conference venue wherever possible unless the General Manager determines otherwise.

The costs incurred by the partners of Councillors accompanying them on business trips are to be at the total expense of the partner and/or Councillor involved unless a resolution of the Council approves payment of the partners expenses.

### **Conference expenses**

Council shall meet the registration fees of relevant conferences and seminars for Councillors which may include the costs of related meals and refreshments that are approved within this policy.

### **Advance payments**

Advance payments may be made by Councillors upon request for expenses associated with an activity authorised under this policy. A reconciliation of such expenses against the advance is to be made and accompanied by supporting receipts and or tax invoices.

### **Monetary limit outside Council area**

The following daily limits shall apply to expenses incurred outside Council area:

- Accommodation \$190.00 per day
- Meals \$90.00 per day
- Incidental Expenses – taxi fares parking, tolls, refreshments \$50.00 per day

### **Payment of expenses for spouses, partners and accompanying persons**

There may be occasions where costs incurred by a Councillor on behalf of their spouse, partner or accompanying person (eg carer) in the performance of his or her functions. Occasions where expenses may be payable are where a councillors spouse, partner or accompanying person could be reasonably expected to attend and include as examples Australia Day ceremonies, civic receptions and charitable functions supported by the Council.

Payments are also to be made for partner expenses when they are either representing the mayor or called on to attend an official function or carry out a ceremonial duty. Such payments would be limited to the cost of the meal or the cost of attending the function.

### **Overseas travel**

Payment of expenses for any overseas travel shall be upon approval at a Council meeting of a submission which sets out the proposed costs of the travel, its duration, its purpose and expected benefits of the travel. Following the return from overseas, the Councillor(s) shall provide a detailed written report to Council on the aspects of the travel relevant to the council business and that of the community.

### **Provision of mobile phones, notebook computers and facsimile machines**

Where Council resolves to approve the electronic form of delivery of Council agendas and business papers, Council will provide for the issue of notebook computers with email and facsimile capacity and other support equipment such as printers.

Council will pay for the capital cost of providing and connecting equipment and the operating costs and costs associated with any of the disposable items related to the use of that equipment.

All Councillors shall be provided with a mobile phone and Councillors are able to call each other at no cost. A maximum expense for use of a mobile phone for the Mayor is limited to \$250.00 per month and for the Deputy Mayor and Councillors \$50.00 per month. Councillors will be responsible for reimbursing Council for calls in excess of these amounts in addition to personal calls.

Councillors may choose to privately connect to a monthly \$50 capped plan, the cost of which will be reimbursed.

Access to Councils computer network will be provided by the most efficient and effective means and will relate to the availability of various delivery services.

Receiving facsimiles for Councillors are to be sent to the Council fax number and that document shall be emailed to the relevant Councillor. Council business related facsimiles can be accommodated through the computer system

Council provided equipment will remain the property of the Council and is to be used for Council purposes only and is to be returned to Council offices at the time the Councillor ceases to hold office.

Any Councillor requesting a hard copy of Council agendas and business papers will be provided with them. In these circumstances the General Manager will arrange for the delivery of those agendas and business papers.

### **Meals and refreshments**

Councillors shall be provided with meals and refreshments while attending Council meetings, workshops and Committee meetings within the Council Chambers as determined appropriate by the General Manager.

### **Provision of Facilities for Mayor, Deputy Mayor and Councillors**

The Council shall provide a vehicle for use by the Mayor (or in his or her absence the Deputy Mayor) on Council business.

The services of the Executive Assistant, including typing, messaging and general secretarial support will be made available to the Mayor (or in his or her absence the Deputy Mayor) for Council business.

The General Manager is authorised to provide to Councillors reasonable secretarial support by way of stationery, photocopying and postage. In the event that demand for these resources places too great a burden on approved staffing structures or if there is a misuse of facilities, the General Manager shall prepare a report for Council's consideration.

Individual Councillors will be entitled to be provided with legal advice on Council related matters where there is a specific authorising resolution of the Council.

## **Provision of Local Government Act and amendments**

If Council resolves to provide note book computers to Councillors, electronic versions of the Local Government Act 1993 and other relevant legislation will be installed in those computers. A hard copy of the Local Government Act will be maintained at the Council's Bega office for use by Councillors as and when required.

## **Legal Assistance for Councillors**

1. A Council may disburse money only if the disbursement is authorised by the Local Government Act 1993 either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.
2. Council may indemnify or reimburse the reasonable legal expenses of:
  - (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993;
  - (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 Local Government Pecuniary Interest 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.
3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act will be distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during their term in office.
4. Council is unable to meet the costs of an action in defamation taken by a councillor or council employee as plaintiff in any circumstances.
5. A Council may not meet the cost of a councillor or employee seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.
6. Council may lawfully obtain insurance cover to meet the costs or reimburse a councillor provided the costs are authorised under the Local Government Act 1993. This is detailed below under the heading Councillor and Officer Liability Insurance.

## **Insurance**

Council is to have in place Public Liability, Personal Accident, Professional Indemnity and Councillor and Officer Liability Insurance and Motor Vehicle cover for all Councillors.

## **Councillors' and officers' liability insurance**

Insurance will be provided, subject to the terms, conditions and exclusions of the policy of insurance, to cover defence costs relating to common law claims not otherwise insured and those relating to any other actual or alleged breach of trust, breach of duty, breach of contract, neglect, error, misstatement, misleading statement, omission or other act done or wrongfully attempted.

In the event that a Councillor commences any legal defence or incurs legal fees before any claim under this insurance policy is lodged with the insurer, any subsequent claim for reimbursement will be rejected.

It is the responsibility of each Councillor to notify the Insurer of any circumstances that may give rise to a claim under this policy as soon as the Councillor becomes aware of any such circumstances. Circumstances that may give rise to a claim are considered to be any knowledge or intimation or any method of communication either within or outside of Council business that indicates that action may be taken against a Councillor, as a result of their conduct in the capacity as a Councillor.

As a safeguard against the disclosure, staff will advise all Councillors in February or March each year that they are required to disclose any such information prior to the renewal of the policy, which occurs on 31 March each year.

Disclosures can be made through Council's Manager Corporate Services or direct to Jardine Local Government Insurance GPO Box 7003 Sydney 2001 with a copy to the Manager Corporate Services.

## **Motor vehicle insurance**

Council incorporates in its current Motor Vehicle Insurance Policy a provision that covers any vehicle owned by a Councillor where liability for damage to such vehicle arises out of or is caused by the use of such vehicle in connection with the business of the Council.

## **Motor vehicle insurance excess**

In the circumstances where the Councillor is not charged for any driving offence as a result of any motor vehicle accident, Council will meet the cost of any excess otherwise payable by the Councillor, provided it is not recoverable from any other source.