

RICHMOND VALLEY COUNCIL POLICY REGISTER

Policy No: 1.1.2

Reference: Governance - Councillors

POLICY:	PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS
FUNCTION:	Governance
OBJECTIVE:	To provide a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.
DIRECTORATE:	CORPORATE SERVICES

POLICY:

INTRODUCTION

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

LEGISLATIVE PROVISIONS

The Local Government Act 1993 provides:

- S252. (1) A council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any guidelines issued under Section 23A.

S253. Before adopting or amending a policy for the payment of expenses or provision of facilities, the council must give at least 28 days public notice of the proposal. This will not apply if the amendment is considered not substantial as defined in the Department of Local Government Guidelines (Circular 07-22).

Adopted: 21/2/2000

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Reviewed: 19/9/2000, 20/11/2001, 17/12/2002, 15/6/2004, 15/3/2005, 19/12/2006, 21/8/2007, 18/3/2008, 16/12/2008, 18/8/2009, 16/2/2010, 15/3/2011, 19/7/2011

S254. The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended or at which any proposal concerning those matters is discussed or considered.

REPORTING REQUIREMENTS

Section 428(2)(r) requires details concerning Councillors payment of expenses and provision of facilities to be included in its Annual Report and Clause 217 of the Regulation requires that:

- Total amount of money expended during the year on providing those facilities and paying those expenses.
- Council's policy on the provision of facilities for, and the payment of expenses to Councillors.
- The payment of Councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses.
- "Details of the total cost during the year of the payment of expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes.
 - (iii) the attendance of councillors at conferences and seminars,
 - (iv) the training of councillors and the provision of skill development for councillors,
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vii) the expense of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the "Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors

for Local Councils in NSW” prepared by the Director-General from time to time,

- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.)

Section 12 provides that the public is entitled to inspect the Council’s policy concerning the payment of expenses incurred by, and the provision of facilities to Councillors, free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

OTHER GOVERNMENT POLICY PROVISIONS

- Department of Premier and Cabinet (Division of Local Government) Circular 09/36 “Revised Guidelines for Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW” and 04/60 “Policy on Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor, and Other Councillors”.
- Department of Local Government Circular 05/08 “Legal Assistance for Councillors and Council employees and Circular 02/34 “Unauthorised Use of Council Resources”.
- Richmond Valley Council’s Code of Conduct.
- ICAC Publication “No Excuse for Misuse; preventing the misuse of Council resources.

TRAVELLING EXPENSES

(a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Notional Agreement Preserving State Awards.

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing Council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this policy by the Mayor or General Manager.

(b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council’s expense by the most practical method, i.e. aircraft, Council vehicle or private vehicle. Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

(c) Overseas

Overseas travel must be approved by resolution of the council following receipt of a written report. Council will not assist overseas travel unless direct and tangible benefits can be established for the Council and local community.

The following will apply in relation to the payment of expenses and provision of facilities to Councillors (in relation to Council business):

ATTENDANCE AT SEMINARS, CONFERENCES AND COURSES

Councillors may attend conferences, seminars and similar functions that will assist in the professional development of a Councillor, or have an identifiable benefit to the local area by the association of a Councillor with a Council activity or function and within the budget framework. Attendance at conferences must be approved by Council resolution and a written report is to be provided from Councillors attending conferences or as a delegate for inclusion in Council's Business Paper.

EXPENSES INCURRED AT CONFERENCES, SEMINARS AND COURSES

The following costs will be paid for by Council in advance or reimbursement for attendance at Conferences, Seminars and courses by Councillors:

Registration

Including official luncheons, dinners and tours relevant to the Conference.

Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). With all travel arrangements, due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager. All travel by Councillors will be undertaken by utilising the most practicable and economical mode of transport.

Accommodation

Accommodation for other Council business will be as follows:

- (i) At a standard of up to four star NRMA rating;
- (ii) Booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made not later than three months after the expenses were incurred and submitted on the standard claim form, with receipts attached.

Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges, taxi fares and incidental expenses) including the night before and after the conference where necessary to be met by the Council and submitted on the standard claim form, with receipts attached. Costs of meals not included in the costs of the registration for the conference, seminar or course will be reimbursed up to the following limits based on Australian Taxation Office Determination Table 2:

Breakfast	\$25.70
Lunch	\$36.40
Dinner	\$51.00

(As per ATO Determination 2011/17 Table 2)

COSTS OF COUNCILLORS' SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

Council will meet the costs of Councillors' spouses, partners and accompanying persons in the following circumstances:

- Cost of registration and official conference dinner at the Shires Association Annual Conference. (Cost of accommodation and travel are to be met by the Councillor.)
- Payment of expenses at official Council functions that are of a formal or ceremonial nature within the Council's area, e.g. Australia Day Award Ceremonies, Civic Receptions.
- Payment of expenses for the spouse, partner or accompanying person of a Mayor, or a Councillor when they are representing the Mayor, when they are called upon to attend an official function of Council or carry out an official duty while accompanying the Mayor outside Council's area, but within the State. This is to be restricted to direct costs associated with the function.

FACILITIES

Mayor

Council will provide the Mayor with the following facilities:

- An office in the Council's Administration Building. Council's Meeting Rooms are also available for use by the Mayor.
- Access to telephone, facsimile, email and photocopy facilities for Council business purposes.
- Secretarial/Administrative services for Council business as required.
- A vehicle of the standard of Holden Statesman or equivalent for use on Mayoral duties/Council business.

- An allocated parking space at Council's Administration Offices, Casino.
- Identification badge and business cards.
- Ceremonial clothing including mayoral robes and/or chain of office.

Facilities/services will not be provided for candidature to Federal, State or Local Government or any political party.

Councillors

Council will provide the Councillors with the following facilities:

- Use of Council's Meeting Rooms and areas of Council's Administrative Building as required.
- Access to telephone, facsimile, email and photocopy facilities for Council business as required.
- Secretarial/Administrative services relating to the preparation of reports for Council.
- Identification badge and business cards.

Facilities/services will not be provided for candidature to Federal, State or Local Government of any political party.

Corporate Uniforms/Protective Clothing and Equipment

- Councillors' access to corporate uniforms is to participate in the Dowd Corporation concept in accordance with the policy applying to staff.
- Should any item of uniform be damaged during their term of service with Council, the replacement of same may be borne by Council.
- Council purchase and issue to Councillors, a corporate blazer, (colour 'Australia Green') with the Council logo on the breast pocket and the blazer remain the property of Council.
- Councillors' access to Protective Clothing, accessories and equipment where required in accordance with OH&S requirements and when considered appropriate by the General Manager.

LEGAL EXPENSES

Council may consider reimbursement of a Councillor's legal costs under certain circumstances on a solicitor/client basis (but shall not reimburse any Councillor for any costs incurred by Senior Counsel. Reasonable legal expenses of a Councillor may only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the councillor.

Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Division of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs may only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs may only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances or the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the Council is authorised to meet.

INSURANCE

Section 382 of the Act requires a council to make arrangements for its adequate insurance against public liability and professional liability and Councillors are to receive the benefit of insurance cover for:

- 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 Councillors' performance of their civic duties and/or exercise of their council functions).

- Personal injury while on council business. Note that Councillors are not covered by workers' compensation payments or arrangements.

All insurances are subject to any limitations or conditions set out in Council's policy of insurance.

GENERAL

- Light meals and/or refreshments are to be provided to the Mayor and Councillors in conjunction with Council/Committee Meetings and other functions/meetings, where considered appropriate by the General Manager.
- Council will provide to Councillors whilst in office a telephone/facsimile machine incorporating message recording and single sheet photocopying, including fifty percent (50%) operating costs, to allow for the distribution of Council information to and from Council up to a maximum of \$180.00 per quarter.
- Council will reimburse child care costs when provided by a registered provider if a Councillor is required to arrange such care while on Council business.
- Council will provide a filing cabinet up to a four drawer capacity while Councillors are in office.
- Council will reimburse costs for mobile telephone calls equal to fifty percent (50%) of the total cost of the mobile telephone account claimed up to a maximum of \$100.00 per quarter.
- Council will provide a non-dedicated motor vehicle drawn from Council's pool to attend conferences/seminars/training and other functions/meetings when available and considered appropriate by the General Manager.
- Council will provide the optional ability for Councillors to substitute part or all of their Councillor fee to be paid as contributions to a complying superannuation fund of their choice. Any Councillor undertaking this option is on the basis they have either received independent financial advice or understand this decision. A signed declaration to this effect will be required before commencement of superannuation contributions to a complying superannuation fund.

RETURN OF EQUIPMENT

Upon completion of the term of a Councillor's Office, extended leave of absence or cessation of their civic duties, all equipment previously provided must be returned to the Council.

Councillors will also have the option of purchasing the equipment previously allocated at an agreed fair market price or written down price value.

VARIATION

Council reserves the right to amend this policy from time to time.