6.02.4  Payment of expenses and provision of facilities for Councillors

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Expenses
Introduction

This procedure has been adopted to ensure Councillors are reimbursed for expenses incurred (or to be incurred) 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

The Council will adopt 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

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

Incidental Expenses

Council will reimburse incidental expenses not covered elsewhere in this procedure upon written request to the General Manager. This request must include receipts and tax invoices. Incidental expenses may include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation.

Expenses incurred in Council’s area

When travelling within the Bega Valley Shire, Councillors may use a council vehicle. In the absence of an available vehicle, a councillor’s private vehicle is the preferred mode of transport. Councillors may claim travel allowance as defined under this part as well as reasonable sustenance and incidental costs in respect of any legitimate business conducted in the Council area. All expenses will be subject to the completion of claim forms which are to be accompanied by receipts and tax invoices.

Under this part, Councillors may claim expenses for travel to and from:

- Council meetings
- Meetings of Council committees, sub-committees and other Working Groups of the Council
- Meetings of other organisations in which Councillors serve as delegates
- 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 ATO schedules 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 this procedure, 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 ATO schedules for travel allowance at the time.

Council staff shall arrange all air travel which is to be coordinated through the General Manager’s Office.

Council will reimburse the cost for use of public transport, taxis, hire cars, or other fuel if using a council vehicle and associated other costs such as parking and road tolls. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

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.

**Sitting Fees**

Councillors may be appointed to sit on Boards of Management as part of their duties as a Councillor. These appointments are reported to Council on an annual basis.

Under the Local Government Act 1993 the Mayor of each Council is a member of the Board of the relevant Joint Organisation. The Mayor as nominated Councillor is, if they choose to, able to apply and received the payment from the through the Joint Organisation.

Council also appoints representatives to the Joint Regional Planning Panel. Council is responsible for the setting of and paying of sitting fees for this panel.

In some cases sitting fees apply with amount set as outline below.

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<th>Organisation</th>
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<td>Canberra Region Joint Organisation (CRJO)</td>
<td>Mayor or delegate</td>
<td>CRJO</td>
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<tr>
<td>Joint Regional Planning Panel (JRPP)</td>
<td>Councillor Delegate</td>
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Conference expenses

Councillors may attend the annual Local Government and Shires Conference and ALGA National Congress without a separate resolution of Council. Requests for attending other conferences should generally be in writing outlining the benefits for Council. The General Manager will report on conferences that in his/her opinion may be of value to Councillors.

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

After returning from a conference, the Councillor/s should provide a delegate’s report to council on the aspects of the conference relevant to council business and/or the local community.

Councillor Development

Separate provision will be made in Council’s budgets for the payment of training and development expenses for Councillors to ensure they have adequate training and skills development to carry out their functions effectively.

A Councillor training and development program based on a systematic skills analysis and assessment of professional development needs of councillors will be prepared following each council election.

Advance payments

In some instances the Mayor or Councillors represent Council outside of the Bega Valley Shire area. In most instances Council will pay for travel, accommodation and relevant out of pocket expense. The most administratively effective option is used being either:

- Reimburse on provision of receipts
- Provision of an allowance in advance

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

Daily limits will apply for any reimbursements or allowances and these will be in line with the current financial year Australian Tax Office allowances.

Private benefit

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as ‘frequent flyer’ schemes or any other such loyalty programs while on council business. However, it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to council.

Where more substantial private use does occur, the Act provides that a payment may be made to cover the level of that private use (refer s252 (2)).

Councillors should not obtain more than incidental private use of facilities. In situations where private use occurs, Councillors will declare and reconcile that use in writing to the General Manager, who will determine what reimbursement will be required by councillors for that private use.
No payment will be made by a council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate’s electoral fund, or for some other private benefit.

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 (e.g. carer) in the performance of his or her functions. Occasions where expenses may be payable are where a Councillor’s 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.

Support for Children or Carers

Council will make provision for the reimbursement of the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations.

Councillors should make private arrangements for the care of children while they conduct the business of council at meetings or other authorised functions. Council does not provide an onsite crèche. However, councillors may access a place in a council operated childcare facility and arrange fees to be deducted pre-tax from the councillor allowance. A 50% subsidy of the childcare rate will be available and reimbursed through the councillor allowance.

Special arrangements may be made through the General Manager, for suitable access to the council chambers for meetings, including provision for the attendance of the nominated carer of a councillor. Where appropriate, matters of confidentiality may exclude the presence of the carer unless suitable confidentiality agreements are in place. A subsidy of the cost of additional local travel for the carer will be available and reimbursed through the councillor allowance.

Overseas travel

Detailed proposals for overseas travel should be developed, including nomination of the Councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit, should also be provided. This provision includes visits to sister cities.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be included in the council business papers. The use of a mayoral minute to obtain council approval for travel is not appropriate.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a written report to council on the aspects of the trip relevant to council business and/or the local community.

Details of overseas travel will also be included in councils’ annual reports, including the benefits of any proposed overseas sister city relationships.

Provision of mobile phones, notebook computers and facsimile machines

Council will provide notebook or tablet computers with internet, email and business paper capacity and other support equipment such as printers. Apps placed on tablets are to be authorised for corporate use.
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. Access to suitable mobile telephony will trigger Council funding internet home access charges in addition to wireless access via tablets or notebooks.

A smart phone will be provided for the Mayor with package cost in line with the medium usage Telstra phone plan for the current financial year which includes the cost of the phone purchase and insurance.

Councillors are encouraged to connect to a monthly capped plan, providing for calls, SMS, emails and internet download, enabling remote connection to Council emails and internet. Council will pay an allowance in line with the current base Telstra phone plan package. Councillors will be responsible for calls or download above the allowance or caps. No further reimbursement for calls or download will apply.

Access to Council’s 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.

While all business papers, reports and other documents will be provided electronically to Councillors, any Councillor requesting a hard copy of Council agendas and business papers will be available in Council’s office for collection.

Meals and refreshments

Councillors shall be provided with meals and refreshments while attending Council meetings, briefings and S355 Committee meetings within the Council Chambers as determined appropriate by the General Manager.

Provision of Facilities for Mayor, Deputy Mayor and Councillors

A fully serviced and maintained vehicle, including a fuel card, will be provided for the sole use of the Mayor (or in his or her absence the Deputy Mayor on Council business). The type of motor vehicle will be selected from the standard Council fleet equivalent to a senior manager, and all conditions of use will be in accord with the Council vehicle policy.

Councillors, including the Mayor, should only obtain incidental private benefit from the provision of a motor vehicle for official use.

The services of an 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.

Provision of Local Government Act and amendments

Electronic versions of the *Local Government Act 1993* and other relevant legislation will be installed in Councillor 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

Reasonable legal expenses of a Councillor will 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)* 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:

- Local Government Pecuniary Interest and Disciplinary Tribunal
- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council’s Conduct Review Committee/Reviewer.
- Privacy Commissioner
- Information Commissioner

This is provided 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 will 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 will only be made available where a formal investigation has been commenced by the Office of Local Government.

In addition, legal costs will 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.

Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Approval should be sought and gained, where possible, prior to legal expenses being incurred

Councillor costs may be reimbursed following a written request to the General Manager and subsequent resolution of Council.

Insurance

Section 382 of the *Local Government Act 1993* requires a council to make arrangements for its adequate insurance against public liability and professional liability.

Insurance provisions for Councillors, as a minimum, will cover:

- 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 functions).

• Councillor and Officer Liability

Additional insurance for Councillors will also be provided to cover:

• Personal injury while on Council business (Councillors are not covered by workers’ compensation payments or arrangements).

• Motor vehicle insurance, for travel on Council business

• Travel insurance for approved interstate and overseas travel on Council business.

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

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 General Manager or direct to Jardine Local Government Insurance GPO Box 7003 Sydney 2001 with a copy to the General Manager.

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.

Disputes

The appropriate process to resolve any disputes that arise about the provision of expenses and facilities will initially be considered by the written request of a Councillor to the Public Officer. Should that decision not resolve the matter, it may be referred to the General Manager for review, who may choose to refer the matter to an independent reviewer drawn from the Conduct Panel, or through report to Council.
Acquisition and return of equipment and facilities by Councillors

Councillors should return equipment and other facilities to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

Councillors may exercise an option to purchase Council equipment previously allocated to them at the cessation of their duties. The item can be purchased at an agreed fair market price or written down value.

Reporting

Each year, the Annual Report will include a summary of the total costs of Councillor expenses and facilities, as well as:

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
- conference and seminar expenses
- training and skill development expenses
- interstate travel expenses (including subsistence and out-of-pocket expenses)
- overseas travel expenses (including subsistence and out-of-pocket expenses)
- care and other related expenses (of dependants to enable a Councillor to undertake his or her civic functions).