



ATTACHMENTS TO VARIOUS REPORTS COUNCIL MEETING

MONDAY 25 AUGUST 2014

ATTACHMENT TO CM 14A – 08/2014

**ANNUAL REVIEW OF COUNCILLORS PAYMENT
OF EXPENSES AND PROVISION OF FACILITIES
POLICY**

ATTACHMENT 1

*Draft Councillors Payment of Expenses and
Provision of Facilities Policy*

POLICY NAME	<i>Draft</i> Councillors Payment of Expenses and Provision of Facilities Policy
DIRECTORATE	Corporate Services – Governance Executive Services – Executive Support

PURPOSE

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors related to their Council duties.

The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

SCOPE

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

The policy does not address the setting and payment of Councillors annual fees.

CONTENT

1. Introduction

1.1 Reporting requirements

Council must adopt this policy annually and submit the policy to the ~~Division~~ **Office** of Local Government by 30 November each year or within 28 days of amendment.

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.

Council's annual report includes a website link to this policy.

The annual report is to include the following information:

- a. details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);
- b. details of the total cost during the year of the payment of expenses and the provision of facilities to Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillors or reconciled with the Councillors). Separate details are to be included for 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 tablet computers, mobile telephones (including equipment and internet access costs but not including call costs);~~
 - ii. ~~telephone costs 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, and any spouse/partner/accompanying person expenses paid;~~
 - 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, accommodation and other out-of-pocket travelling expenses. Travel to surrounding Councils in Victoria would be considered local travel;
 - vi. overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, accommodation and other out-of-pocket travelling expenses;
 - vii. ~~the expenses of any spouse, partner or other approved 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 Chief Executive (Office of Local Government);~~ and
 - 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; and
 - ix. any other significant expenses.
- c. Councillor attendance at Section 360 Committee meetings and Council meetings.

1.2 Legislative Provisions

This policy is made under the *Local Government Act 1993* (the Act) in accordance with sections 23A, 252 to 254, together with clause 403 of the *Local Government (General) Regulation 2005*.

The Act includes requirements that Council must adopt or amend a policy annually for the payment of expenses and the provision of facilities for the Mayor, the Deputy Mayor and Councillors. Section 252(3) prevents a Council from paying any expenses or providing any facilities otherwise than in accordance with the provisions set out in this policy.

Provision under the Regulation includes those under Clause 403 which disallows the payment of a general expense allowance, and for a vehicle to be made available for the exclusive use of a Councillor other than the Mayor.

1.3 Reference Documents

- *Local Government Act 1993* – Sections 23A, 252-254.
- *Local Government (General) Regulation 2005* – Clause 217, Clause 403.
- *Local Government (State) Award 2010 2014*

1.4 Relevant Government Policy

- DLG Guidelines for payment of expenses and provision of facilities to Mayor and Councillors in NSW – October 2009.
- Relevant ICAC Publications including 'No Excuse for Misuse'.
- DLG Circular 05/08 'Legal Assistance for Councillors and Council Employees'.

1.5 Relevant Council Policy/Registers

- Delegations of Authority.
- Code of Conduct
- Councillors Gift Register – all gifts with a total value greater than \$20 must be reported to Executive Services for inclusion in the Councillors Gift Register. For further information refer to AlburyCity Code of Conduct.

2. Approval Arrangements

Councillor attendance at conferences will be approved jointly by the Mayor and the Deputy Mayor based on the following criteria:

- benefit of conference to the Council and community;
- appropriateness of attendance by Councillors;
- costs involved in attendance at the conference, including travel; and
- the number of Councillors (if any) to attend.

If approval is sought by the Mayor, then approval may be given jointly by the Deputy Mayor and one other Councillor.

The Executive Support Team will provide information about forthcoming conferences relevant to local government to all Councillors. All Councillors are eligible to attend the annual Local Government NSW Conference.

Each Councillor who attends a conference is to provide a separate report to Council for noting. Executive Support Staff will provide a report to Council every six months on conference attendance by Councillors. This report will include conference name, dates, Councillors attending, costs of the conference, accommodation and travel.

Travel and accommodation for Councillors for Council approved business will be arranged, and wherever possible payment made, by the Executive Support Team. Council will book accommodation at the conference/function venue where possible, or reasonably close to the venue.

Expenses incurred outside this policy will only be approved by Council resolution (with the individual Councillor the subject of the expenses to be excluded from the vote).

Disputed reimbursements or payments are to be reviewed by a full Council Meeting that is open to the public.

Reimbursement of reasonable expenses to Councillors is to be approved by the Mayor or General Manager in accordance with this policy.

Reimbursement of reasonable expenses to the Mayor is to be approved by the General Manager in accordance with this policy.

Reimbursement should be sought within one month of incurring the expenses.

Refer to chart 'Monetary Limits for Expenses' – at the end of this policy.

3. Payment of Expenses

Allowances and reimbursements are for actual expenses incurred upon the presentation of official receipts and the completion of the authorised claim form, Reimbursement of Expenses form. This policy does not include provision for general expense allowances. Consideration will be given by the Mayor and the Deputy Mayor to the payment of reasonable expenses associated with the special requirements of Councillors such as disability and access needs to allow performance of normal civic duties.

3.1 Travel

- a. Council will pay actual travelling expenses incurred (airfares, hire car and fuel) and accommodation expenses that are associated with travelling to and from, and during Council approved conferences, seminars, training or business of the Council.
- b. Council will pay actual costs incurred for meals and other incidental expenses when travelling to and from, and during Council approved conferences, seminars, training or business of the Council, subject to the production of satisfactory documentary evidence.
- c. ~~Council will reimburse actual taxi fares incurred when a Councillor attends a Council approved conference or seminar, or conducts business of the Council.~~ **All Councillors are issued with a Cab Charge card for payment of taxi fares for approved Council conferences, seminars, training or business of the Council.**
- d. Council will pay to Councillors, allowances for personal vehicle kilometres travelled to official Council business outside of the Albury local government area, in accordance with the rates set out in Clause 44 ~~(ix)~~ **15 (x)** of the Local Government (State) Award ~~2010~~ **2014**.

3.2 Private Overseas Travel

Councillors travelling overseas at their own expense are eligible for reimbursement of internet access costs for Council related matters only, up to the maximum monthly amount as specified under "Communication Costs and Expense" section of this policy. For telephone calls, Councillors will be reimbursed for communication costs associated with Council business only.

Councillors shall seek IT advice prior to travel, if it is intended to seek reimbursement. International roaming is not available on Council supplied communications and IT equipment.

3.3 Reimbursement and Reconciliation of Expenses

When requested by a Councillor, payment in advance can be made for the cost of service associated with their civic duty. The payment will be reconciled against the actual expense incurred. This reconciliation must be completed within two weeks of the completion of the civic duty. For Councillors, the payment in advance request is to be presented to the Mayor for approval. The Mayor's payment in advance request is to be presented to the General Manager.

Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms to the Mayor. The Mayor's claim forms are to be presented to the General Manager.

Incidental expenses could reasonably include ~~telephone 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. All advanced payments are required to be reconciled with substantiating documentation.

3.4 Spouse and Partner Expenses

Partners expenses at conferences will not be reimbursed.

However, there may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor). An example of this is an accompanying person providing carer support to the Councillor.

Refer to chart 'Monetary Limits for Expenses' – at the end of this policy.

4. Specific Expenses for the Mayor and Councillors

4.1 General Travel Arrangements

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking the trip. The report to Council should indicate the purpose of the trip and expected benefits, the duration, itinerary and approximate costs of each proposed visit.

Upon returning from the trip, Councillors or an accompanying member of staff will provide a detailed written report to Council.

4.2 Travel Arrangements and Expenses

Arrangements for the use of a private vehicle and provisions for the use of public transport, ~~taxi~~, hire cars; travel using a Council vehicle and associated other costs such as parking and road tolls can be made. Upon request, Council will provide a vehicle for Councillor use on authorised, official Council business. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

4.3 Educational Expenses

Council will pay for training and short courses specifically related to the role of a Councillor. Council will not pay for any expenses related to formal education, for example, TAFE or university courses. All Councillor requests are to be presented to the Mayor and Deputy Mayor for approval, or to the General Manager for the Mayor.

4.4 Attendance at Dinners and other Non-Council Functions

Consideration may be given at a full Council Meeting to meeting the cost of Councillors attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the Council's interest. Only the cost of the service provided should be met.

No payment should be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

The cost of attending fundraising activities of political parties will not be met.

4.5 Civic Duty Related to Matters of a Community or Charitable Nature

When Councillor's partners are invited guests within the local government area and the Mayor or Council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for Councillors and their spouses/partners will be paid by Council. Individual Councillor Requests for specific events must be approved by the Mayor and the Deputy Mayor.

4.6 Communications Costs and Expenses

~~Councillors will be reimbursed for communication costs associated with Council business, for example, Wi-Fi connection cost incurred at accommodation when travelling.~~

Council will reimburse the costs associated with a broadband Internet connection to a maximum of \$60 per month **upon presentation of an invoice from the provider**. This does not include telephone line rental costs. To be eligible for the reimbursement Councillors must have Wi-Fi access installed to minimise data costs for the Council supplied tablet computer. Council can supply an ADSL Wi-Fi modem **on request**.

4.7 Printer Expenses

~~Council will reimburse costs associated with printer consumables used for Council related printing.~~ Council will print Council related documents on request on Council's economical laser printers and forward to Councillors. A printer is also provided in the Councillor Office.

4.8 Care and Other Related Expenses

Council will pay carer expenses when a Councillor is required to attend meetings, seminars, training and conferences of the Council, where such attendance is in the course of the Councillor performing their civic duties. This includes childcare expenses and the care of the elderly, disabled and/or sick immediate family members of Councillors.

Consideration will be given to payment of other related expenses associated with the special requirements of Councillors, such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

Councillors reimbursement requests for ~~communication, printer and~~ carer expenses are to be provided to the Mayor, or to the General Manager for the Mayor.

4.9 Executive Membership

Council will pay expenses over and above the amount reimbursed as a result of a Councillor being an executive member of a local government related group or association. Such payments will only be made when adopted by Council.

5. Insurances and Councillor Obligations

Council maintains insurance policies which extend benefits to elected representatives of Council where the person is engaged in or on any activity directly or indirectly connected with Council including travelling to and from such activity. These insurances are:

5.1 Personal Accident Insurance

This insurance provides some conditional coverage for Councillors and their accompanying partners for:

- personal accident and sickness (including provisions for lump sum payments and weekly benefits);
- payment of medical expenses;
- payment of additional expenses such as cancellation and curtailment fees; and
- travel (domestic and overseas) including general loss of personal and business property, medical expenses and other incidental travel related issues.

5.2 Motor Vehicle Insurance

This insurance provides some conditional coverage for damage to privately owned vehicles whilst being used on authorised and official Council business. The cover offered is on the following basis:

- the cover applies to Councillors and their spouses only;
- in all cases, claims for damage involving personal vehicles must first be lodged on the owner's personal motor vehicle insurance policy;
- no benefits are payable under this policy for vehicles registered to any entity other than the Councillor or their spouse, that is, company registered vehicles are not covered; and
- the benefits payable under this policy are capped at not more than \$35,000 for all loss and damage resulting from the use of the privately owned vehicle.

5.3 Councillors Liability

This insurance provides some conditional coverage for Councillors against claims they have committed a wrongful act resulting in harm or damage to a third party when acting in good faith in the course of their duties for Council.

This includes personal financial loss associated with defamation proceedings, the costs of attending formal statutory inquiries (such as ~~ICAC~~ **the Independent Commission Against Corruption**) and general claims or prosecutions of breach of duty or corruption, legal defence costs, the costs of properly investigating any allegations as well as the financial cost of any judgement or settlement made against the insured person.

Councillors shall notify the General Manager as soon as reasonably practicable of any intention to make a claim under Council's insurance policies.

6. Legal Expenses and Obligations

The 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 of 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~~ **Office** of Local Government, Department of Premier and Cabinet
- v. NSW Police Force
- vi. Director of Public Prosecutions
- vii. Council's Conduct Review Committee/Reviewer.

In addition, legal costs must 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.

In the event of any dispute as to whether specific expenses are covered by this policy, a decision will be made by Council, in its absolute discretion, by resolution of Council (with the individual Councillor the subject of the expenses to be excluded from the vote).

Any reimbursement of costs to a Councillor will be capped at the amount specified in the Councillors liability insurance policy and the claim approved by the insurer. Should any costs be incurred in excess of these amounts Council may, in its absolute discretion, approve payment by resolution of Council (with the individual Councillor the subject of the expenses to be excluded from the vote).

Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

Council will not meet the 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 Councillor.

Where doubt arises in relation to any of these points of the policy, the Council may seek its own legal advice.

Councillors shall inform the Mayor and General Manager of their intention to lodge a claim for expenses relating to legal expenses.

7. Provision of Facilities

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not obtain more than incidental private benefit from the provision of equipment and facilities. Travel bonuses such as 'frequent flyer' schemes or any other loyalty programs are not to be used while on Council business. Any benefits obtained whilst on Council business remain the property of AlburyCity and are not to be used in private circumstances.

In situations where private use of facilities occurs, Council will establish a suitable rate for the reconciliation and reimbursement by Councillors of that private use.

7.1 Provision of Equipment and Facilities for Councillors

Council provides:

- a. Councillors with **access to** an office **adjoining the Council Chambers** ~~in the city administration building~~, which contains office furniture, a telephone, ~~facsimile~~, computer, printer, **fax machine** and photocopier.
- b. Councillors with a tablet computer in accordance with Council's IT platform standards.
- c. Information Technology training if requested.
- d. ~~Upon request, a~~ **A** Smart phone in accordance with Council's IT standards, for Council business use only **if requested**. Council will pay the usage costs.
- e. Business cards and Councillor letterhead, if requested.
- f. Car parking in the basement is set aside for the use of Councillors.
- g. Meals on evenings of Council and Committee meetings, Community Forums and Councillor Workshops.
- h. Appropriate protective clothing and equipment when Councillors are required to go onto work sites as part of their civic duty.

7.2 Provision of Additional Equipment and Facilities for the Mayor

The Mayor is provided with:

- a. an office in the Council administration building;
- b. secretarial support, including telephone and reception duties, word processing, organisation of receptions including catering, preparation of speeches, media releases and correspondence;
- c. a Mayoral reception suite for the purposes of conducting civic receptions for visiting dignitaries. The suite contains office furniture, a television and electronic recording media;
- d. an executive-style vehicle, if so required by the Mayor, which may be used for private use. Other Councillors may use the Mayoral vehicle while on approved Council business. A dedicated car parking spot in the basement is provided for the Mayor;
- e. ceremonial clothing including Mayoral robes, and chains of office;
- f. a corporate credit card to be used only for Council-related business to a maximum value of \$5000; and
- g. airport lounge membership.

The Deputy Mayor is entitled to an additional fee when acting in the office of the Mayor. The fee will be the equivalent daily rate payable to the Mayor and will be deducted from the Mayor's annual fee.

7.3 Private Use of Equipment and Facilities

In accordance with the Code of Conduct, Council equipment and facilities must not be used for private purposes unless lawfully authorised by the Mayor (for Councillors) or the Council (for the Mayor) and proper payment is made where appropriate. An appropriate commercial rate will be determined depending on the equipment being used.

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 compensatory payment.

The interest of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel and other expenses incurred on election matters is not appropriate. Council letterhead, Council crest and logo and other information that could give the impression it is official Council material must not be used for these purposes.

8. Advisory Services of a Conduct Reviewer

There may be times when Councillors would benefit from obtaining independent, confidential advice about Code of Conduct issues, particularly in regard to conflicts of interest. Councillors can access the informal advisory service of the nominated Conduct Reviewer by telephone. Council will select this nominated Conduct Reviewer annually from the Council's Panel of Conduct Reviewers.

Councillors will not need to seek approval of the Mayor or General Manager to use the service. To provide a transparent audit trail the invoice to Council will note the name of the Councillor. The content will not be noted.

When the annual Code of Conduct statistics report is provided to Council the number of times this advisory service had been used would be reported to Council along with the cost. The service will be provided at the reviewer's advertised hourly rates, or pro rata where applicable.

9. Acquisition and Returning of Facilities and Equipment by Councillors

Upon completion of their term, when on extended leave of absence or at the cessation of their civic duties, all Council provided equipment is to be returned by Councillors, and access to the Councillor facilities ~~is~~ will no longer ~~be~~ available.

Councillors have the option to purchase Council IT equipment previously allocated to them at the cessation of their duties. This will be at a fair ~~and independent~~ market price.

Where the residual value on a particular piece of equipment is determined to be zero, the equipment may be retained by the Councillor for no cost at the cessation of their duties. Any ongoing costs incurred in using such equipment will be met by the Councillor.

Upon the election of a new Mayor, the outgoing Mayor will retain access to all the nominated equipment and facilities applicable for Councillors. All Mayoral equipment is to be returned to Council and access to the Mayoral facilities ~~is~~ will no longer ~~be~~ available.

AUTHORISATION

Status	Committee	15 October 2012; 19 August 2013; 21 October 2013
	Manex	14 August 2012
	Council	26 November 2012; 28 October 2013
Owner	Corporate Services – Governance Executive Services – Executive Support	
Review	This policy will be reviewed to cater for legislative or Council changes.	
History	<p>Revised by Council on 28 September 2009, annual review in accordance with the Local Government Act.</p> <p>Revised by Council on 28 June 2010, annual review in accordance with the LG Act.</p> <p>Revised after public exhibition late 2010, adopted Council Meeting November 2010.</p> <p>Revised after public exhibition and adopted by Council September 2011.</p> <p>Reimbursement of Expenses Form is an attachment to this Policy.</p> <p>Revised after public exhibition and adopted by Council 26 November 2012.</p> <p>Placed on public exhibition prior to adoption by Council on 28 October 2013</p>	
Last issued	October 2013	Review October 2014
TRIM REFERENCE DOC13/98837		

See attached *Monetary Limits for Expenses* on following page

MONETARY LIMITS FOR REIMBURSEMENT

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	All conference attendance approved by Mayor and Deputy Mayor. Conference report to be provided to Council for noting.
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	Travel arrangements must be approved by the Mayor. See <u>Details for travel arrangements</u> also <u>General travel arrangements</u>
Accommodation	Actual up to daily limit	Actual up to daily limit	1. \$300 per night 2. \$250 per night 3. \$200 per night	1. State Capital Cities and Canberra 2. Regional Cities (eg. Orange, Bathurst, Wollongong). 3. Country.
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Mayor. The General Manager to approve for the Mayor.	See <u>Care and Other Related Expenses</u>
Attendance at dinners and other non-Council functions	Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

Section Name	Expense Type	Reimbursement	Limit Amount	Comment
Care and Other Related Expenses	Personal care or child care expenses up to four hours	Actual	\$80	See <u>Care and Other Related Expenses</u> To cover a four hour engagement of a babysitter or carer when a Councillor is required to attend any Council, Committee Meeting of Council.
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	See <u>Spouse and Partner Expenses</u>
Out of Pocket Expenses	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor	Actual up to daily limit.	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> Reasonable telephone, facsimile or internet usage Newspapers Tolls Reasonable refreshments Meals not included in registration fees for conference.
Use of Private Motor Vehicle	Payment	Per km allowance as defined in Clause 14 (ix) 15(x) of the Local Government (State) Award 2014	Under 2.5 litre 0.65c 68p.km. Over 2.5 litre 0.75c 78p.km.	See <u>Payment of Kilometres Clause</u>
Mobile phones	Cost of Service provided	Council related business	Council related business.	See <u>Communications Costs and Expenses</u>
Internet Access			\$60 cap per month (on presentation of an invoice from the provider)	To be eligible must have access to Wi-Fi at home residence to reduce data cost for the Council supplied tablet computer.
Legal assistance for Mayor and Councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	See <u>Legal Expenses and Obligations</u>