

Hawkesbury River County Council



Payment of Expenses and Provision of Facilities to Councillors Policy 2017

Under Section 252 Local Government Act 1993

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PART 1: INTRODUCTION

TITLE

This policy is to be known as the Council's Policy Regarding the Payment of Expenses and Provision of Facilities to Councillors.

PURPOSE OF POLICY

The purpose of the policy is to ensure that there is accountability and transparency 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.

OBJECTIVES

- To ensure that Councillors are reimbursed for all expenses legitimately and reasonably incurred in performing the role of Councillor.
- To establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- To fulfil the statutory responsibilities of Section 252 of the *Local Government Act 1993*.

MAKING AND ADOPTION OF THE POLICY

This policy is made under the provisions of the *Local Government Act 1993*, including Sections 252 to 254, and having regard to the provisions of circulars issued by the Office of Local Government, Department of Premier and Cabinet in this regard. Section 252 of the Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Chair and other Member Councillors and is in the following terms:

- (1) Within 5 months after the end of each year, 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 relevant guidelines issued under section 23A.*

REPORTING REQUIREMENTS

Section 428(2)(f) of the Act requires a Council to include in its Annual Report details regarding:

- The total amount of money expended during the year on Mayoral and Councillor fees;
- Council's policy on the provision of facilities for, and the payment of expenses to Councillors;
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the Local Government (General) Regulation 2005.

OTHER GOVERNMENT POLICY PROVISIONS

- Office of Local Government, Department of Premier and Cabinet Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Division of Local Government, Department of Premier and Cabinet Circulars to councils
- ICAC publications

APPROVAL ARRANGEMENTS

Approval for discretionary trips and attendance at conferences and the like under this policy should, where possible, be approved by a full meeting of the council. If this is not possible then the approval should be given jointly by the Chairperson and the General Manager. If the Chair requires approval to travel outside of council meetings it should be given jointly by the Deputy chair and the General Manager.

Total costs for the payment of expenses and the provision of facilities to Councillors are to be within the limits of the provision of Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's standard quarterly budget review process.

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PART 2: PAYMENT OF EXPENSES

EXPENSES

- a. "Expenses" includes travelling, accommodation and sustenance costs, taxi charges, seminar and conference fees.
- b. Such expenses paid to Councillors are for attendance at meetings of the Council, other meetings duly authorised by the Council, inspections in compliance with a Council resolution or where a Councillor is representing Council as a delegate or participant at a function, conference or seminar.
- c. Council supports and encourages an active learning process and skills development for Councillors. In recognition of this, Council may authorise the attendance of Councillors at conferences or seminars with expenses associated with such attendance being met in accordance with this policy. Limit \$2500 per event/Councillor.
- d. The traveling costs reimbursed to Councillors shall be the same rate as that applied in the Local Government State Award, or any agreement or award that may replace this award, and payable on the following basis:
 - i. to and from the meetings of the Council, or a meeting of any committee of the Council, provided that the allowance is payable only from the Councillors residence to the Council offices or designated meeting place. Should a Councillor be attending a meeting not departing from their residence, any claim is limited to the place of departure or the Council boundary, whichever is the closer;
 - ii. upon inspections , provided such inspections are undertaken in compliance with resolutions of the Council;
 - iii. upon business of the Council outside the area in compliance with a resolution of the Council;
 - iv. to and from conferences attended by a Councillor, provided such attendance is authorised by Council, or the Mayor or the General Manager; and
 - v. distances claimed shall be the shortest practicable route.

d. Travel expenses will be covered in the following way. All travel should be undertaken in the most direct route practical and economical mode available.

- i. Local Travel. Payment of all expenses for local travel relating to direct Council business will be provided. This will include use of private car, public transport, taxis, hire cars, parking and road tolls. The driver is responsible for all traffic and parking fines and/or offences. Travel costs will not be reimbursed if a Councillor has a vehicle provided by their member council, such as a mayoral or fleet car.
- ii. Intrastate Travel. Council will decide whether it is reasonable to require prior approval for intrastate travel depending on factors such as distance, time and if overnight accommodation is required. This may require the provision to council of an itinerary, a reason. Travel to other Councils neighbouring or within the metropolitan area should be treated as local travel.
- iii. Interstate Travel. Prior approval of Council will be required for all interstate travel. This will require the provision of an itinerary, costs and reasons for travel.
- iv. Overseas Travel. Council must scrutinise the need for overseas travel, and should avoid international visits unless direct tangible benefits can be established prior to the Council and the community. Budget allocations must be made prior to departure, and report of outcomes provided upon return.

e. Incidental expenses such as telephone calls, refreshments, meals not provided as part of conference participation, internet charges, laundry and dry cleaning, newspapers, taxi fares, parking, etc., will be reimbursed upon presentation of documentary evidence and completion of a claim form. Limit \$85 per day/Councillor.

g. Claims for re-imbursement of expenses under (e) above are to be made within 1 month of the event the subject of the claim occurring.

h. No objection is raised to attendees at conferences being accompanied by their spouse/partner subject to Council not being required to meet any costs in addition to those to be expended in association with a councillor's participation with exemption of conference dinners and shared accommodation/transport.

l. Pursuant to Section 355 of the Local Government Act the General Manager has authority to approve payments and advances made in accordance with this Policy. All claims for expenses shall be submitted on an approved form for approval by the General Manager or his delegate. The reimbursement of expenses are to be claimed within 1 month of them being incurred.

m. Councillors and their spouses are entitled to attend conferences that relate to Local Government with the Council meeting all reasonable expenses in accordance with its policy in relation to the Councillor with travel for the Councillor's partner being the responsibility of the Councillor.

ANNUAL FEES

Chairperson

In accordance with Section 249(1) of the *Local Government Act 1993*, Council will pay the Chair an annual fee monthly in arrears, with the fee to be determined annually. This fee will be paid in addition to the fee paid as a Member.

Such amount is to be determined by Council in accordance with the NSW Remuneration Tribunal's Guidelines.

Members

In accordance with Section 248(1) of the *Local Government Act 1993*, Council will pay all Councillors an annual fee paid in 12 equal instalments, monthly in arrears.

The amount of the fee shall be determined by Council in accordance with the Remuneration Tribunal's Guidelines.

Sacrificing Annual Councillor fees to complying superannuation funds

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

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PART 3: PROVISION OF FACILITIES

ELECTION TO THE COUNTY COUNCIL

Each Councillor will be elected as a “Member” the Hawkesbury River County Council by formal resolution from their Member Council and a copy of the resolution provided to the General Manager.

PRIVATE USE OF EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and/or facilities by the Council; however, it is acknowledged that Councillors may obtain some private benefit from the incidental use from time to time. However, having considered the issue Council is of the opinion that this incidental private benefit is of such a relatively minor nature that it is not necessary for Councillors to reimburse Council for this incidental private use. Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

EXECUTIVE SUPPORT

Councillors will be provided with access to basic secretarial services for Council related issues by a suitably qualified and experienced secretary, subject to availability and approval by the General Manager.

COUNCIL MEETINGS

At Council/Committee meetings the Councillors will be provided with suitable meals, including refreshments. The General Manager, in consultation with the Chairperson and Councillors, will determine the standard of the meals provided.

ACCESS TO COUNCIL OFFICES

All Councillors will be permitted to access Council during business hours and are permitted to use the facilities for meetings, reading or writing.

INSURANCE

Council will provide for Councillors the following:

- Insurance of a Councillor against personal injury, whether fatal or not, arising out of or in the course of carrying out duties or the performance by such Councillor in functions in his/her capacity as a member of Council.
- Insurance to cover any loss or damage to Council property in their possession or control.
- Public Liability (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)
- Professional indemnity (for matters arising out of Councillors' performance of their civic duties and for exercise of their Council functions)

POSTAGE

Council will meet the cost of reasonable postage of correspondence issued by the Councillors, provided such correspondence is directly related to the role of the elected member.

CORRESPONDENCE

Correspondence to Councillors will be forwarded to the address provided to them by the Councillor.

COUNCILLORS WITH DISABILITIES

In addition to other clauses contained within this policy regarding the provision of facilities to Councillors, in the event of a Councillor having a disability that would prevent them from performing their civic duties without the provision of additional facilities, where necessary, and with the agreement of the Chair and General Manager, additional appropriate facilities will be made available to that Councillor to assist them in the performance of their civic duties.

ACQUISITION AND RETURN OF FACILITIES AND EQUIPMENT BY COUNCILLORS

Any equipment and/or facilities provided to Councillors in accordance with the terms of this Policy shall remain the property of the Council and, if applicable, must be returned upon the Councillor ceasing to hold office.

However, in the case of equipment allocated to Councillors, if that equipment is no longer required by Council or is to be the subject of replacement; or is excess to needs then Councillors are to have the option to acquire the item of equipment in question at its written down value or price to be obtained by Council as a result or an alternate means of disposal, whichever is the higher.

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