

# Policy PP003 - Payment of Expenses and Provision of Facilities to Councillors



# Policy - Payment of Expenses and Provision of Facilities to Councillors

**Policy No. PP003**

## INFORMATION ABOUT THIS POLICY

Date Adopted By Board	25 August 2016	Resolution No.	16/081
Policy Responsibility	General Manager		
Review Timeframe	Annually		
Last Review Date	2015	Next Scheduled Review Date	2017

## Document History

Doc No.	Date Amended	Summary of Changes
	12/06/2016	<p>The Policy has been reformatted, additions of Scope and Definitions, and</p> <ul style="list-style-type: none"> <li>• References to Council amended to GWCC,</li> <li>• Chairperson instead of Chairman,</li> <li>• Deputy Chairperson instead of Deputy Chairman.</li> <li>• Definitions within the policy have been relocated To Definitions section (pages 4 &amp; 5),</li> <li>• Relocated Legislative Provisions to Related Legislation Table (page 2)</li> <li>• Relocated Other Government policy provisions relate to this Policy to Related Procedures/ Protocols, Statements , Documents Table (page 2)</li> <li>• Payment of Expenses removed Deputy Chairman from heading.</li> <li>• Removed "Spouse" from Section 7 included "Spouse" in Accompanying Persons definition,</li> <li>• Amended 7.2 (c) the repayment period from seven (7) days to thirty (30) days being GWCC standard invoice payment period</li> <li>• 8.1 now includes "Substitute" , added 8.1 substitute nomination, removed separate sub-heading for Substitute attendee</li> <li>• 8.3.3 (c) replaced reference to clause with "Award" now included in Definitions.</li> <li>• 8.3.3 (d) &amp; 8.3.4 (d) replaced with "Local Travel Costs, now included in Definitions</li> <li>• 8.4 auto payment option added, and included in Definitions</li> <li>• 10 Previous omission from the 2014/2015 and 2013/14 Policies regarding Care and Other Related Expenses has been included using the Office of Local Government guidelines.</li> <li>• 13 Removed Chairman from Heading, Addition of "or Deputy Chairperson when delegated by the Chairperson"</li> </ul>

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		<ul style="list-style-type: none"> <li>• Addition of 14.6 GWCC Personal Device into Provision of Facilities generally, 14 Councillors</li> <li>• Inclusion of "Deputy Chairperson" section 15</li> <li>• Addition of "with GWCC" at the end of section 16.</li> </ul>
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### Further Document Information and Relationships

Related Legislation	NSW Local Government Act 1993, with attention to: Sections 239, 241 Section 428 (2) (f) Reporting Requirements Chapter 9, Part 2, Division 5, Sections 252-254A and Local Government (General) Regulations 2005 With attention to: Section 254A
Related Policies	Model Code of Conduct
Related Procedures / Protocols, Statements, Documents	Previous Resolutions 14/110, 15/069 Division of Local Government Guidelines, Department of Premier and Cabinet for payment of expenses and provision of facilities. Division of Local Government Circulars to Councils. ICAC publications. Local Government Remuneration Tribunal Determination Local Government (State) Award for kilometre rate.

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# Policy - Payment of Expenses and Provision of Facilities to Councillors

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**Policy Title: Payment of Expenses and Provision of Facilities to Councillors**

**File Reference:**

### **PURPOSE**

To ensure;

- a) That there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred by the Chairperson and Councillors, and
- b) That the facilities provided to assist the Chairperson and Councillors to carry out their civic duties are reasonable, and
- c) For the purposes of interpretation any reference to the Chairperson and/or Councillor of GWCC are to be taken as referring to the Administrator of the same organisation should one be appointed.

### **SCOPE**

This policy apply to all payments of Councillor's annual fees, chairperson's fee, expenses and provisions of facilities to Chairperson, Deputy Chairperson and Councillors.

### **DEFINITIONS**

Act	Local Government Act (1993)
Accompanying person	Is the Councillor's or Chairperson's, or Deputy Chairperson's Spouse, partner or nominate person
Additional Expenses	Any Shared Executive Assistant / Secretarial Services including Typing, photocopying, printing, postage, facsimile, computer, data and telephone facilities
Annual Fee	The Annual Fee paid to Councillors between the Minimum and Maximum for GWCC determined Annually by the Tribunal, and any specific resolution of GWCC under Section 254A of the Regulations.
Chairperson's Fee	The additional Annual Fee paid to the Chairperson between the Minimum and Maximum for GWCC determined the Tribunal, and any specific resolution of GWCC under Section 254A of the Regulations.

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GWCC	Goldenfields Water County Council
Chairperson	Elected Chairperson of GWCC
Deputy Chairperson	Elected Deputy Chairperson of GWCC
Councillor	Councillor of GWCC
Substitute	A Councillor substituted to attend any conference in lieu of the chairperson or a nominated and authorise Councillor.
General Manager	General Manager of GWCC
LGNSW	Local Government NSW
LGWA	Local Government Women's Association
ALGA	Australian Local Government Association
ICAC	The Independent Commission Against Corruption
Tribunal	The Local Government Remuneration Tribunal
Determination	The annual determination of the Tribunal per c241 Act
Minimum	The Determination's Minimum Annual Fee per s239 Act
Maximum	The Determination's Maximum Annual Fee per s239 Act
Regulations	Local Government (General) Regulations 2005
Award	Local Government (State) Award
Auto payment	Payment made into a nominated bank account
Local Travel Costs	Car Hire, Any Fares -including but not limited to bus, train, tram, ferry, and or taxi fares, motorway or bridge tolls and parking costs
GWCC Personal Device	Electronic device provided by GWCC for delivery of GWCC documents.
GWCC Documents	Anything delivered electronically for purpose of conducting GWCC business.

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### POLICY

#### 1. Objectives and coverage of the Policy

- 1.1. To provide for the fair and equitable payment and reimbursement of certain expenses not considered to be included in the Annual Fees payable to Councillors and to Chairperson's Fee payable to the Chairperson and, where such expenses are incurred by the Chairperson and Councillors in discharging the functions of civic office, and
- 1.2. To provide adequate facilities for use by the Chairperson and Councillors to enable them to discharge the functions of civic office.

#### 2. Reporting Requirements

##### 2.1. GWCC to include in its annual report:

- The total amount of money expended during the year on Chairperson and Councillor fees.
- The GWCC's policy on the provision of facilities for use by Councillors and the payment of Councillor's expenses.
- A statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

##### 2.2. The public is entitled to inspect GWCC's Policy free of charge, and may obtain a copy on payment of reasonable copying charges.

#### 3. Approval arrangements

All approvals under this Policy shall be made by resolutions of GWCC or jointly by the Chairperson or Deputy Chairperson and the General Manager or as stated in the policy.

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### 4. Payment of expenses

#### 4.1 Annual Fees- Chairperson, and Councillors

##### a) Fees payable to Councillors

GWCC shall, prior to 30 June each year, set by resolution, the Annual Fee to be paid, monthly in arrears, to a Councillor for the following year commencing 1 July, provided that such a fee shall be within the Minimum and Maximum. Such payment shall be subject to, and under any specific resolution of GWCC under Section 254A of the Regulations\

##### b) Fees Payable to the Chairperson

The Council shall prior to 30 June each year, set by resolution, the Chairperson's Fee to be paid to the Chairperson for the following year commencing 1 July provided that such a fee shall be within the Minimum and Maximum. Such payment shall be subject to, and under any specific resolution of GWCC under Section 254A of the Regulations.

##### c) No deduction under this Policy from Fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the Annual Fees payable to Councillors and Chairperson's Fee payable to the Chairperson, as determined by GWCC, under 4.1 or 4.2 above.

### 5. Payment of expenses generally

#### 5.1. Allowances and expenses

No allowances other than those expressly contained in this policy are payable to the Chairperson and Councillors.

#### 5.2. Reimbursement and reconciliation of expenses

- a) All reimbursements are subject to the provision of receipts and are on a per Councillor basis.
- b) Advanced payment must be reconciled by the Councillor and acquitted for by receipts or refund.



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### 6. Establishment of monetary limits and standards

Monetary limits or standards of facilities/services where applicable are specified in this policy.

### 7. Accompanying person/s expenses

#### 7.1. GWCC shall meet the following costs of an accompanying person

a) Local Government NSW annual conference

The costs of registration and any official conference dinners of the Chairperson or Councillor's accompanying person in attending the annual conference of Local Government NSW, but excluding any travel expenses, additional accommodation expenses and any optional personal tours which shall be the personal responsibility of the individual Councillor.

#### 7.2. Other Conferences

a) Where the Chairperson or Councillor is accompanied at a conference, other than the Local Government NSW annual conference, all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Chairperson/Councillor/accompanying person and not by GWCC.

b) Accompanying person's registrations, or program fees, etc are to be paid to the conference organiser, at time of registration.

c) Where GWCC meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to GWCC by the Chairperson or Councillor/accompanying person within thirty days (30) days of being invoiced for such expenditure.

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### 8. Specific expenses for Chairperson and Councillors

Conferences held in Australia.

#### 8.1. The Chairperson, Councillors and Substitute may be nominated and authorised to attend conferences by:-

- a) GWCC, through resolution duly passed in open session at a GWCC Meeting;
- b) The Chairperson or Deputy Chairperson and General Manager jointly, acting within any delegated authority during Council recess;
- c) The Chairperson or Deputy Chairperson and General Manager jointly, where such conference is for one day or less or does not involve an overnight stay.
- d) The Chairperson or Deputy Chairperson and General Manager jointly nominate and authorise a Substitute to attend any conference in lieu of the Chairperson or a nominated and authorised Councillor.

#### 8.2. What Conferences may be attended

The conferences to which this Policy applies shall generally be confined to:-

- Local Government NSW (LGNSW), Local Government Women's Association (LGWA) and Australian Local Government Association (ALGA) Conferences and special "one-off" conferences called or sponsored by any of those Associations.
- Annual conferences of the major Professions in Local Government.
- Australian Sister Cities Conference.
- Regional Organisation of Councils Conferences.
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Conferences or Meetings of Organisations or Bodies to which a Councillor had been elected, or appointed as a delegate or member of GWCC, or the LGNSW, LGWA, or ALGA.

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### 8.3. Conference Costs

The GWCC shall pay or reimburse the Chairperson or a Councillor:-

#### 8.3.1. Registration

All normal registration costs, including costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of GWCC.

#### 8.3.2. Accommodation

Reasonable accommodation costs including the night before and/or after the conference where that is necessary due to travel and/or conference timetables.

#### 8.3.3. Travel

- a) All reasonable travel costs to and from the conference location and venue by aircraft or suitable GWCC vehicle or if they are not available, or it is more convenient, by the use of a private vehicle.
- b) Where travel is by motor vehicle it should be undertaken by GWCC vehicle or by private vehicle subject to prior approval jointly by the Chairperson and General Manager.
- c) Where private vehicle is used under b) above, the Chairperson or Councillor may claim the "kilometre" allowance at the date of travel as per the Award.
- d) Local Travel Costs required in attending conferences.

#### 8.3.4. Out of Pocket Expenses

Reasonable out-of-pocket expenses associated with attendance at a conference upon presentation of a claim and receipts for the following:

- a) Any hotel/motel charges associated with the Conference, other than accommodation.
- b) All telephone or facsimile calls related to GWCC business
- c) Reasonable lunches, dinners and other meals incurred whilst travelling to or from the Conference and other meals occurring during the Conference but not included in the conference registration fee.
- d) Local Travel Costs.

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- e) Any optional activity in a conference program, but excluding any pre or post conference activities.

### 8.4. Conference costs – payment in advance

- a) GWCC will normally pay registration fees, accommodation costs and airline tickets direct to conference organisers/travel agent in advance. Where this is not possible a cash advance equivalent thereto may be paid in advance to the attendee for payment to the appropriate party.
- b) Any cash / auto payment advance must be properly accounted for and reconciled, with receipts, on the prescribed voucher form within one month after such conference.

## 9. Travel costs

### Councillor's transport services

9.1. A Councillor may claim a kilometre allowance in accordance with clause 9.2 for use of a private vehicle in travelling:

- To and from the meetings of GWCC, or the meetings of any GWCC Committee.
- Upon inspections, provided such inspections are undertaken in compliance with resolutions of GWCC or authorised by the Chairperson or General Manager.
- To attend conferences, official engagements and functions where the Councillor has been authorised by GWCC to do so or is deputising for the Chairperson.

9.2. Kilometre rates for use of a private vehicle under this Policy will be paid at the rate set by the Award, as at the date of travel.

9.3. Payment is subject to a claim on the prescribed claim form being lodged by the Chairperson or Councillor, and made no later than three (3) months after the travel occurred. Claims lodged for travel occurring more than three (3) months before the claim is lodged shall not be paid.

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### 10. Care and other related expenses

A Councillor and Chairperson may claim for the reasonable cost of care arrangements, including childcare, care of elderly, disabled and/or sick immediate family members of the councillor to undertake their GWCC business obligations.

A Councillor and Chairperson may claim reasonable expenses associated with the special requirements of a Councillor or Chairperson such as a disability and access needs to allow performance of normal civic duties and responsibilities.

### 11. Insurance expenses and obligations – Chairperson and Councillors

The Chairperson and Councillors will receive the benefit of insurance cover as specified in the following policies:

- Personal Accident
- Councillors' and Officer' Liability
- Statutory and Business Practices Liability
- Property (Personal Property) – Theft/Damage only
- Motor Vehicles Policy (Personal Property) – Theft/Damage only

### 12. Legal Assistance for Chairperson and Councillors

Subject to 12.2 below, legal assistance will be provided to the Chairperson and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor by:

- ICAC
- The Office of the Ombudsman
- Department of Local Government
- The Police
- The Director of Public Prosecutions
- The Local Government Pecuniary Interest Tribunal
- GWCC's Conduct Review Committee/Reviewers

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### 12.1. Subject to 12.2 below

- a) Legal assistance will be provided to the Chairperson and Councillors in respect of legal proceedings being taken by or against them, arising out of or in connection with the Chairperson and Councillor's performance of their civic duties or exercise of their functions as a Chairperson or Councillor.
- b) GWCC by resolution may reimburse the Chairperson and such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

### 12.2. Legal assistance and reimbursement as specified above will only be provided upon resolution of GWCC and subject to the following conditions:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Chairperson or Councillor on any basis.
- The enquiry, investigation, hearing or proceedings results in a finding substantially in favour of the Chairperson or Councillor.
- The amount of such reimbursement is limited to the equivalent of the fees being charged by GWCC's Solicitors.

### 13. Additional Expenses

The Chairperson or Deputy Chairperson when delegated by the Chairperson, shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses:

- 13.1. Shared Executive Assistant/Secretarial services including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.

### PROVISION OF FACILITIES

#### Provision of facilities generally

### 14. Councillors

Councillors are entitled to payment of expenses or reimbursement of the following expenses, and to receive the benefit of the following facilities generally:-

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**14.1.** Reasonable refreshments associated with GWCC and GWCC Committee meetings, and meetings of the Chairperson or Councillors with Parliamentary representatives, visiting dignitaries and other delegations.

**14.2.** Councillor name badges and business cards.

**14.3.** GWCC neck tie or scarf.

**14.4.** Secretarial services to facilitate the discharge of functions of civic office.

**14.5.** Email address provided to Councillors, as requested.

**14.6.** GWCC Personal Device

### **15. Provision of equipment and facilities for the Chairperson and /or Deputy Chairperson)**

**15.1.** All equipment and furniture provided under Clause 19 shall always remain in the possession of the Chairperson and or Deputy Chairperson during their term of office, and shall remain the property of GWCC and returned to GWCC in good operational order and condition upon ceasing to hold their position.

**15.2.** Should the Chairperson and/or Deputy Chairperson so choose, GWCC will provide a mobile phone and will pay half the “Services and equipment rental” costs in accordance with the agreed plan. Call costs in excess of the plan are the responsibility of the user. The Chairperson’s and/or Deputy Chairperson plan contribution, and any call charges in excess of the plan, are to be deducted from the user’s monthly member’s fee payment.

### **OTHER MATTERS**

### **16. Acquisition and return of facilities and equipment by Councillors**

All equipment provided to Councillors under this policy shall remain the property of GWCC and is to be returned in good condition to GWCC upon the Chairperson or Councillor ceasing to hold civic office with GWCC.

### **17. Dispute Resolution**

Where a dispute arises relating to the payment of expenses or the provision of facilities the following procedures will be applied:-

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### Councillor

If a Councillor disputes the method in which this policy has been applied then the matter will be referred to the Chairperson for determination.

### Chairperson

If the Chairperson disputes the method in which this policy has been applied then the matter will be referred to the full Council for determination.



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### Appendix 1.

Policy Ref.	Description of expense &/ or Facility Provided	Reference Provided in Policy	Maximum Allowable	Limit set by Council
4.1	Councillors Fee	Determined annually by the local Government remuneration Tribunal	\$9,410	TBA
4.1	Chairperson Fee	Determined annually by the local Government remuneration Tribunal	\$15,460	TBA
5.1	Other Allowances	Other than those expressly contained in this policy		NIL
5.2 (a)	Reimbursement	Subject to the prvision of receipts and are on a per Councillor basis		\$500
5.2 (b)	Advanced Payment	Must be reconciled by the Councillor and acquitted for by receipts or refund		\$500
8.3.2	Accommodation	Reasonable accommodation costs (per night)		\$300
8.3.3	Travel	Refer to 13.2 below		
8.3.4	Out of Pocket Expences	(Per Day)		\$200
8.4	Costs - Payment in Advance	Cash advance equivalent to actual Conference costs		\$2,000
9	Travel Costs	Set by the Local Government (State) Award, as at the date of travel:		
		Vehicle Allowances (cents/km) -Under 2.5Litres	68c/km	68c/km
		Vehicle Allowances (cents/km) -2.5 Litres and over	78c/km	78c/km