



## WALCHA COUNCIL ANNUAL REPORT

### PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR & COUNCILLORS AND STAFF

# Payment of Expenses and the Provision of Facilities for Mayors & Councillors & staff

## Part 1 Introduction

- **Title**

Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff

- **Purpose of the Policy**

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

- **Objectives and coverage of the Policy**

To identify those Conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff.

- **Legislative requirements**

Local Government Act 1993 and Local Government (General) Regulation) 2005.

- **Other NSW Government policy provisions**

Department of Local Government *Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW* and Circulars to Councils.

ICAC Publication – *No Excuses for Misuse, preventing the misuse of council resources, etc.*

## Part 2 Policy

1. Council shall pay to or on behalf of its members and Staff reasonable out-of-pocket allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.
2. Separate votes shall be established in Council's annual Budget to provide for the cost of attendance by Councillors and Staff at all regular Conferences (as detailed in 3 below) together with estimates of the

probable expenditure on non-recurrent or extraordinary Conferences, Seminars or the like.

- 3 Council may provide, on the request of the Councillor or Staff Member, an advance payment to meet re-disbursable out of pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this Policy.
4. Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form and accompanied by the appropriate receipts and/or tax invoices.
5. Council will, wherever possible provide a Council car, for the use of Councillors in attending Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council.

Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council; at a rate of 54c per kilometre for vehicles with engine capacity less than 2.5L and 62c per kilometre for vehicles with engine capacity greater than 2.5L.

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

6. For the purposes of this policy the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:-
  - a) The Annual Conference of the Shires Association of New South Wales.
  - b) The Annual Conference of the Local Government Managers Australia (New South Wales Division).
  - c) The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days.
  - d) The Annual Conference of the Environmental Health and Building Surveyors Association.

- e) The Annual Conference of the Country Libraries Association of New South Wales.
- f) Attendance at Conferences, Seminars, etc., other than those listed in this policy, may be approved under the following circumstances:-
  - i) the General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.
  - ii) the attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.
  - iii) Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.
  - iv) Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager and Senior Staff or the Mayor, General Manager and Senior Staff as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.

As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Plan of Management.

7. Representation at these Conferences shall be as follows:-

- a) The Annual Conference of the Shires Association of New South Wales:-

Mayor as Delegate.

General Manager

Two (2) Councillors as Observers.

- b) The Annual Conference of the Local Government Managers Australia:-

The General Manager for the full Conference and one (1) other appropriate qualified or near qualified Staff member for two (2) days.

- c) The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days:-

The Director - Engineering Services for the full Conference and the Project Engineer for two (2) days. In addition, Council's Plant Committee and other Staff, as determined by the Director - Engineering Services, from time to time, be permitted to attend the Field Days.

- d) The Annual Conference of the Environmental Health and Building Surveyors Association:-

The Director - Environmental Services.

- e) The Annual Conference of the Country Libraries Association of New South Wales:-

One (1) elected member and Council's Librarian.

8. Councillor expenses may not be used to support attendance by Councillors at political fund-raising functions.
9. At all times travel is to be by Council vehicle unless Council determines another mode of travel is to be used as circumstances may, from time to time, warrant.
10. The spouses of Councillors and Staff be permitted to travel to regular or approved Conferences, Seminars, etc., in Council vehicles, however, Council will not be responsible for any other expenses of spouses.
11. Allowances for travelling and sustenance are to be based on reimbursement for actual costs incurred as follows:-
  - a) Accommodation: Up to, but not exceeding a standard equivalent to that of ☆☆☆☆ Motel classification. Council may however take advantage of negotiated tariffs irrespective of the motel/hotel classification, provided that such tariffs are no greater than those applicable to the abovementioned classification.
  - b) Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of One hundred dollars (\$100.00) per day. If this limit is exceeded a request for reimbursement must be made to the full Council.
12. No expenses will be paid or reimbursed unless incurred in accordance with this policy.
13. The Council shall provide to Councillors, at the expense of Council, suitable facsimile machines to assist them in carrying out the duties of civic office. Council will also provide, at its expense, all consumables associated with the provision of such facsimile machines up to a maximum of \$250 per annum per Councillor.
14. The Council shall provide a mobile phone and laptop computer to the Mayor and meet the cost of all official calls and communication costs up to a maximum of \$100 per month.
15. Council will provide the opportunity, and encourage Councillors to undertake, training and education as provided by Local Government and

Shires Association's Learning Solutions as provided in the annual budget and authorised by Council. The training or educational course must be directly related to the Councillor's civic functions and responsibilities.

16. Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.
17. Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.
18. Legal Advice/Expenses:-  
That in the event of:-
  - (1) any enquiry, investigation or hearing by any of:-
    - the Independent Commission Against Corruption;
    - the Office of the Ombudsman;
    - the Department of Local Government and Co-Operatives;
    - the Police;
    - the Director of Public Prosecutions; or
    - the Local Government Pecuniary Interest Tribunal,
    - Any other properly constituted authority
    - Council's Conduct Review Committee/Review into the conduct of a Councillor; or
  - (2) legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her *civic* duties or exercise of his or her functions as a Councillor, Council shall reimburse 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, PROVIDED THAT:-
    - (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
    - (b) that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.
19. Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.
20. Any disputes arising from this policy will be reviewed by Council's Staff Committee.
21. Councillor annual fees do not fall within the scope of this policy.

22. This policy also applies to an Administrator of Council should one be appointed.

*Approved Council Meeting 28 February 2007 – Minute No.: 151/06-07*

*Reaffirmed Council Meeting 24 October 2007 – Minute No.: 281/07-08*

*Amended Council Meeting 28 October 2008 – Minute No.: 59/08/09*

*Adopted Council Meeting 26 November 2008 – Minute No.:90/0809*

*Amended Council Meeting 25 November 2009 – Minute No.: 89/0910*

*Reaffirmed Council Meeting 27 April 2011 – Minute No.: 183/1011*

*Amended Council Meeting 26 October 2011 – Minute No: 90/1112*

*Adopted Council Meeting 23 November 2011 – Minute No: 114/1112*