

FEDERATION COUNCIL

Policy Title:	PROVISION OF EXPENSES AND FACILITIES FOR THE ADMINISTRATOR, MAYOR OR COUNCILLORS POLICY
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PART A: POLICY

Introduction

1. Purpose of the Policy

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

2. Definitions

Definitions in this policy are as follows:

- “Accompanying person” shall mean spouse, partner or accompanying person.
- “Act” shall mean the Local Government Act 1993 (as amended).
- “Business of Council” for the purpose of this policy Business of Council shall be defined as:
 - (a) Council meetings
 - (b) Committee meetings where all members are Councillors
 - (c) Meetings including Public and Community where attendance is authorised by the Council or the Administrator/Mayor
 - (d) Inspections where attendance is authorised by the Council or the Administrator/Mayor
 - (e) Conference, Seminars or Workshops where attendance is authorised by Council or under delegated authority by the Administrator/Mayor or Deputy Administrator/Mayor and General Manager.
 - (f) Meetings or functions attended by the Administrator/Mayor or his nominee and reported to or endorsed by Council by Minute or the General Manager's Report.
- “Conference” shall mean any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session or events related to the industry of local government and held within Australia.
- “Policy” shall mean “Policy Payment of Expenses and Provision of Facilities to the Mayor and Councillors or Administrators.”
- “Regulation” shall mean the Local Government (General) Regulation 2005.

3. Objectives and Coverage of the Policy

- To provide for the fair and equitable payment and re-imburement of certain expenses not considered to be included in the annual fees payable to the Administrator/Mayor and Councillors, where such expenses are incurred by the Administrator/Mayor, and Councillors in discharging the functions of civic office.
- To provide adequate facilities for use by the Administrator/Mayor and Councillors to enable them to discharge the functions of civic office.
- To provide clear guidelines regarding the provision of facilities and equipment to the Administrator/Mayor and Councillors in the discharge of their functions of civic office.

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4. Making and Adoption of the Policy

This policy is made and adopted in accordance with the requirements of the Act, Chapter 9, Part 2, Division 5, Sections 252-254 and is consistent with the provisions of Council's adopted Code of Conduct.

5. Legislative Provisions

This policy is governed by Sections 252 to 254 of the Act, the Local Government (General) Regulation 2005, any relevant guidelines under Section 23A of the Act which requires that Council must annually adopt a policy and Section 428(2) which requires the Council to include this policy detail in its Annual Report.

6. Other Government Policy Provisions Related to this Policy

- Department of Local Government Guidelines for payment of expenses and provision of facilities.
- Model Code of Conduct.
- Department of Local Government Circulars to Councils
- ICAC publications.

7. Approval Arrangements

All approvals under this Policy shall be made by resolutions of the Council or if in extenuating circumstances jointly by the Mayor or Deputy Mayor and the General Manager.

PART B PAYMENT OF EXPENSES

Annual Fees – Administrator or Mayor/Deputy Mayor/Councillors

1. Fees payable to an Administrator

In accordance with Local Government (Council Amalgamations) Proclamation 2016[NSW] Part 2 Operations of Council, Division 2 Governance Clause 12(5) the remuneration paid to an Administrator is to be determined by the Minister.

2. Fees payable to Councillors

That the Council shall, set by resolution, in accordance with Section 248 and 250 of the Act the annual fees to be paid, monthly in arrears, to a Councillor, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Act and any specific resolution of the Council under Section 254A.

3. Fees payable to the Mayor

The Council shall, set by resolution, the annual fee to be paid to the Mayor in accordance with Section 249 and 250 of the Act provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

4. 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 the Administrator or Mayor and Councillors, as determined by the Council above.

Payment of Expenses Generally

1. Allowances and expenses

No general allowance will be paid.

No private benefit is to be gained through the payment of expenses including any expenses involved in Administrator or Councillors attendance at political fundraising functions.

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

2. Reimbursement and reconciliation of expenses

All reimbursements are subject to the provision of receipts and are on a per Administrator or Councillor basis.

Advanced payment must be reconciled on Council's designated claim form by the Administrator or Councillor and acquitted for by receipts or refund and be presented to Council's Director of Corporate and Community for approval, reconciliation and reimbursement by Council's Accounts Payable Department.

Establishment of Monetary Limits and Standards

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

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- Spouse, partner and accompanying persons expenses
- Administrators or Councillors may invite their spouses/partners/accompanying person to accompany them on a Council business trip however Council will not pay for any costs including conference registration, official conference dinner or any additional travel, accommodation or accompanying person tour expenses associated with this person.
- Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Administrator or Mayor/Councillors accompanying person within fourteen (14) days of being invoiced for such expenditure.

Specific Expenses for Administrator

1. Conferences held in Australia

- The Administrator or the Mayor and Councillors may be nominated and authorised to attend conferences by:
 - The Council, through resolution duly passed in open session at a Council Meeting.
 - The Administrator and General Manager or Mayor/Deputy Mayor and General Manager jointly in the event of extenuating circumstances.
 - The Administrator and General Manager or Mayor/Deputy Mayor and General Manager jointly where such conference is for one day or less or does not involve an overnight stay.
- Substitute attendee:

By the adoption of this Policy, authority is hereby delegated to the Administrator and General Manager or Mayor/Deputy Mayor and General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Administrator or Mayor or a nominated and authorised Councillor.

2. Conference, Training and Development Expenses

The Council shall pay or reimburse the Administrator or Mayor/Councillor:

- **Registration**
All normal registration costs, including costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council and authorised in accordance with clause (5) above.
- **Accommodation**
Accommodation cost to the value of \$250 per evening including the night before and/or after the conference where that is necessary due to travel and/or conference timetables. In the event it is found that \$250 per evening is insufficient the Administrator and General Manager or Mayor/Deputy Mayor and General Manager may authorise a higher accommodation cost. Council will normally meet the cost of accommodation by a Council order. However, if the Administrator or Mayor/Councillor meets this cost, reimbursement will be made on the production of receipts.
- **Travel**
(a) All reasonable travel costs to and from the conference location and venue by aircraft or suitable Council vehicle or if they are not available or it is more convenient by the use of a private vehicle.

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(b) Where travel is by motor vehicle it should be undertaken by Council vehicle or by private vehicle subject to prior approval jointly by the Administrator and General Manager or the Mayor/Deputy Mayor and General Manager.

(c) Where private vehicle is used under (b) above, the Administrator or Mayor/Councillor may claim the "kilometre" allowance at the date of travel as per the Local Government (State) Award.

(d) Hire cars, taxi fares and parking costs are reasonably required in attending conferences.

- **Out-of-Pocket Expenses**

Out-of-pocket expenses up to the value of \$70 per day associated with the 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 Council 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) Incidental expenses, e.g. parking, taxi fares, motorway or bridge tolls.

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

In extenuating circumstances the Administrator and General Manager or the Mayor/Deputy Mayor and General Manager may approve additional out-of-pocket expenses associated with attending a conference on Council's behalf.

- **Travel bonus and loyalty points schemes.**

The Administrator or Mayor and Councillors shall not be entitled to claim travel bonus or other loyalty points relating to air travel or other expenses incurred by them. The Administrator or Mayor and Councillors must surrender any bonus or points to the airline or service provider before reimbursement of the expense by the Council.

- **Conference costs - payment in advance.**

(a) The Council 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 advance must be properly accounted for and reconciled with receipts on the prescribed voucher form within one (1) month after such conference.

- **Training and Development Expenses.**

Council makes provision for the payment of relevant training and educational expenses incurred by Administrators or Councillors in its Management Plan. Registration and expenses for training and education for Council authorised programmes relating to civic functions will be reimbursed in accordance with the provisions of this policy.

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3. Local Travel Expenses – Within Federation Council Local Government Area

If available, a suitable vehicle or vehicles will be provided by the Council for use on official duties connected with the office of the Administrator or Councillor.

Use of private vehicles by the Administrator/Councillors.

An Administrator or Councillor who elects to use a registered private vehicle may claim a kilometre allowance in accordance with the Local Government (State) Award for use of a private vehicle when used to attend conferences and official engagements and functions where the Administrator or Councillor has been authorised by the Council to do so or is deputising for the Administrator or Mayor.

4. Travel Costs Outside Federation Council Local Government Area – Use of Administrators or Mayors/Councillors Private Vehicles

Where a privately registered vehicle is used by an Administrator or Mayor/Councillor they may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence and return, to:

(a) Attend a conference held outside the Federation Council local government area and return, where use of the private vehicle is authorised by the Administrator and General Manager or Mayor/Deputy Mayor and General Manager.

(b) Kilometre rates for use of a private vehicle under this Policy will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to a vehicle and any loss of no claim bonus and any excess not covered by insurance.

(c) Overseas travel shall only be permitted in accordance with a specific Council resolution setting out the details of the trip and the expenses to be incurred.

(d) Payment is subject to a claim on the prescribed claim form being lodged by the Administrator or the Mayor/Councillor, and made no later than three (3) months after the travel occurred.

5. Option to allow provision of vehicle to Administrator or Mayor

A fully maintained leaseback vehicle with fuel card can be provided up to a medium SUV with a weekly after tax payment to be deducted from the fortnightly pay equal to the applicable fringe benefit tax incurred. This is to be established through the use of a log book.

6. Telephone Costs and Expenses

Council will only reimburse emergency telephone expenses where it can be identified that the cost of the telephone calls were related to Council business.

7. Internet

Council will not meet the cost of any internet connections or any costs associated with this.

8. Care and Other Related Expenses

Council will consider by resolution reimbursement of reasonable costs of carer arrangements.

Reimbursement claims under this clause must be supported by receipts.

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9. Insurance Expenses and Obligations – Administrator/Mayor/Councillors

The Administrator or Mayor/Councillors in accordance with Section 382 of the Act will receive the benefit of insurance cover to the limit and conditions specified in Council's insurance policies for the following:

- Administrator or Councillors and Officer Liability Cover.
- Personal accident while on Council business. Note that Administrators or Councillors are not covered by workers compensation payments or arrangements.
- Travel insurance for approved travel on Council business.
- Council will effect and maintain insurance to cover any loss or damage to Council property in the possession or control of Councillors.

10. Legal Assistance for Administrators/Mayors and Councillors

If an Administrator or Mayor/Councillor incurs legal expenses in any inquiry, investigation or hearing instigated by any of the following:

- Independent Commission Against Corruption
- The Office of the Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- The Police
- The Director of Public Prosecutions
- The Local Government Pecuniary Interest Tribunal
- The Australian Investment & Securities Commission
- Any other person, body or authority approved by resolution of Council
- Council's Code of Conduct Review Committee/Reviewer

And the inquiry, investigation or hearing results from the Administrator or Mayor/Councillor discharging their duty, or relate to the office of the Administrator or Mayor/Councillor, then the Council may, after considering this matter (and an estimate of the cost), resolve to pay such expenses incurred.

The assistance is on the basis that the costs do not vary substantially from the estimate considered by Council provided that:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Administrator or Councillor, and
- The equity, investigation, hearing or proceeding results in a finding substantially favourable to the Administrator or Councillor, and
- The costs are only paid after the hearing, inquiry or investigation.

11. Additional Administrator/Mayoral Expenses

The Administrator or Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses:

- **Transport** - The Administrator or Mayor will in accordance with the conditions of Council's Lease Back Policy be provided with a vehicle or alternatively receive payment for the use of

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his/her own vehicle and this allowance will be made in accordance with the Local Government Award

- **Office accommodation** within the Council Chambers.
- **Secretarial Services** including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.
- **Administrative assistance** associated with any Council functions, meetings, publications and the like.
- **Civic Reception meals and refreshments.**
- **Provision of a mobile phone for Council purposes.** This is subject to compliance with Councils mobile phone policy.

12. Gifts and Benefits

Gifts and benefits of token value can only be given to an Administrator or Councillors in accordance with activities authorised by Council. Token gifts and benefits are described in Council's Code of Conduct (clause 8-1). Administrators or Councillors must adhere to the Federation Council Gifts and Benefits Policy.

PART C PROVISION OF FACILITIES

1 Provision of Equipment and Facilities for Administrators or Councillors

Administrators or Councillors are entitled to payment of expenses or re-imbusement of the following expenses, and to receive the benefit of the following equipment and facilities generally in carrying out their civic duties:

- Reasonable refreshments associated with Council meetings and meetings with Parliamentary representatives, visiting dignitaries and other delegations.
- Stationery comprising business cards, writing pads and pens.
- Reasonable access to accommodation, photocopiers and telephone.
- Secretarial services to facilitate the discharge of functions of civic office.
- The provision of a name badge.
- Meals and Refreshments at Council meetings, official dinners and committee meetings when required.
- Access to a Council funded laptop or tablet for the purposes of Council business. Use of a Council laptop must be in accordance with Councils Internet and Computer Use Policy. At the end of an Administrators or Councillors term, the Administrator or Councillors may have the opportunity to purchase the laptop for a nominated amount by the Director of Corporate and Community. This amount will reflect the depreciated and market value of the laptop.
- Alternatively an Administrator or Councillor may claim a \$40.00 per month allowance to purchase and maintain their own laptop. If this amount is claimed, no maintenance or support can be provided to an Administrators or Councillors own equipment.

2 Provision of Additional Equipment and Facilities for Administrator or Mayor and Councillors

No other equipment and facilities will be made available to the Administrator or Councillors apart from what is contained in this policy.

3 Private Benefit

Administrators or Councillors should not obtain private benefit from the provision of equipment and facilities. Any 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. In the event substantial use does occur Section 252 (2) of the Act provides that a payment will be made to cover the level of private use received.

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PART D OTHER MATTERS

1 Acquisition And Return Of Facilities And Equipment By An Administrator or Councillors

All equipment provided to Administrators or Councillors under this policy shall remain the property of the Council and be returned immediately in good order to the Council upon the Administrator or Mayor/Councillor ceasing to hold civic office.

2 Disputes

Any disputes arising about Councillor expenses and facilities will be after consideration, resolved by the General Manager and the Administrator or General Manager and the Mayor or, if the dispute is in relation to the Mayor, the General Manager and Deputy Mayor.

Disputes arising about Administrator expenses and facilities will be referred by the General Manager to the Minister.

3 Status of the policy

Schedule of Changes and Amendments

Version	Date	Changes/Amendment
Version 1	25/05/2016	Development of document

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