

Kyogle Council

Payment of Expenses and Provision of Facilities for Councillors



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Date:
Revised November 2014
Resolution 101114/XXXXX

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PART 1 INTRODUCTION

Purpose

Kyogle Council recognises that Councillors incur out of pocket expenses and require reasonable facilities to be provided that allow them to properly undertake the duties and responsibilities of their office, and will provide for the reimbursement of certain expenses properly incurred in the discharge of their functions. Council must also ensure that there is accountability and transparency in the reimbursement of expenses incurred by Councillors.

Objectives

The objectives of this Policy are:

- To provide direction as to the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging the functions of Civic Office.
- To ensure that there is accountability and transparency in the payment/reimbursement of expenses and provision of facilities to Councillors
- To comply with the relevant provisions of the Local Government Act 1993.
- To ensure that the philosophy of "no loss: no gain" to Councillors is maintained at all times.

Making and Adoption of this Policy

This policy was adopted at Council's Ordinary Meeting held 16 November 2009 (161109/17).

Legislative Provisions

The *Local Government Act 1993* requires a council to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Other Government policy provisions

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

Approval Arrangements

Where possible, approval should be sought and gained prior to expenses being incurred.

The General Manager, if consultation with the Mayor, is responsible for authorising the payment of expenses or the provision of facilities in accordance with this policy. If the two parties cannot reach agreement on any particular matter, it will be referred to Council for determination.

PART 2 PAYMENT OF EXPENSES

General Provisions

Payment of Expenses Generally

All claims for expenses are to be submitted on the requisite claim form.

Wherever possible, receipts should be provided. In cases where receipts are not available (e.g. private vehicle usage) councillors are to certify that the expenditure was for the purpose intended.

To ensure claims are submitted promptly and accurately any claims submitted in excess of three (3) months after the date of the actual expenditure will not be paid.

Payment for claims will be made to Councillors within two weeks of receipt correctly submitted claim form.

General Expense Allowances

The payment of general expense allowances is not to occur.

Elections and fundraising activities of political parties

A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided.

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

Advance Payments

When requested by a councillor, consideration will be given to the provision of an advance payment for the cost of a service associated with their civic duty. Advance payments can help ensure that councillors are able to fully participate in their civic duties without financial disadvantage.

Spouse and Partner Expenses

Council will not meet any cost associated with a Councillors spouse, partner, friend or relative attending a function in the company of the Councillor unless specifically authorised by a Council resolution carried in Open Council.

Fixing and Payment of Annual Fees for Councillors

Section 248 of the *Local Government Act 1993* provides:

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.

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- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Section 248A of the *Local Government Act 1993* provides:

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

- (a) the councillor is suspended from civic office under this Act, or
- (b) the councillor's right to be paid any fee or other remuneration is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

Fixing and Payment of Annual Fees for the Mayor

Section 249 of the *Local Government Act 1993* provides:

- (1) A council must pay the mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

At what intervals are fees to be paid?

Section 250 of the *Local Government Act 1993* provides:

Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.

Specific Expenses for Mayors and Councillors

Training, Conference and Seminar Expenses

Councillors may attend training courses, conferences, seminars, and similar functions by self nomination, provided funds are available from within the existing budget and approval is granted by the Mayor or General Manager.

From September of each year, each Councillor (excluding the Mayor) is entitled to a maximum annual limit of \$3,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Councillor elected mid-term).

From September of each year the Mayor is entitled to a maximum annual limit of \$5,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Mayor elected mid-term).

Council maintains the ability by way of resolution to vary these annual limits identified above in cases of necessity.

Any unused balance of the annual allocation for individual Councillors, including the Mayor, does not carry forward into subsequent years.

Accommodation and Meals

Council will pay actual costs of overnight accommodation and the costs of meals where those meals are not provided as part of a meeting, conference, seminar or engagement fee, subject to the limits outlined below.

The maximum amount payable for accommodation and meals will be the maximum reasonable travel and meal allowances as determined by the Australian Taxation Office: The current rates are:

Place	Accommodation	Food and Drink	Incidentals
Adelaide	209	143.25	26.75
Brisbane	257	143.25	26.75
Canberra	246	143.25	26.75
Darwin	287	143.25	26.75
Hobart	195	143.25	26.75
Melbourne	265	143.25	26.75
Perth	299	143.25	26.75
Sydney	265	143.25	26.75
Country	190	143.25	26.75

The Food and Drink amount is dissected as follows – breakfast \$32.55, lunch \$46.10, dinner \$64.60. An over expenditure for one meal can be offset by under expenditure for another.

Approved travel outside of Kyogle Council area requiring overnight stay accommodation to be reimbursed on production of documentation for cost of reasonable accommodation, travel and sustenance (where possible General Manager to organise appropriate style of accommodation, travel and sustenance).

Travel Expenses

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

The reimbursement rate for use of a Councillors vehicle shall be equivalent to the reimbursement rate included in the Local Government (State) Award.

These reimbursement rates have been calculated to cover all costs associated with the vehicle use, including tyres, insurance, repairs, petrol, oil etc.

Councillors will receive reimbursement for the cost of using their private vehicle for travel to attend:

- Council meetings
- Council Committee meetings
- Council Workshops and Working Party meetings.
- Meetings of community groups whose activities encompass all or part of the Council area.

- Social functions or meetings as a representative of the Mayor or Council, when requested to do so by the Mayor or General Manager.
- Inspection of works or properties within the Council area as a result of a request from a resident, when requested to be in attendance by the Mayor or General Manager.
- Other approved function, meeting, conference, seminar or training course.
- Progress Association or Ratepayer Association Meetings.
- Ward meetings

Councillors will not receive reimbursement for travel to attend:

- Council Offices other than situations outlined above.
- Meetings with constituents other than those outlined above.

Councillors are required to record for each trip, the date, the purpose of trip and the total kilometres on their claim form.

Full details of all travel will be published monthly in the Business Paper for the Ordinary Council Meeting. Such detail to include total kilometres travelled and the cost of reimbursement per kilometre for use of private vehicles.

Council will pay reasonable expenses incurred for approved travel outside the Richmond / Clarence / Tweed region.

The class of air travel to be used by a Councillor will be economy travel.

Should a Councillor elect to use their vehicle to undertake such travel, or to travel via a non-direct route, travel expenses will be paid equivalent to an airfare to the destination or payment at the vehicle reimbursement rate per kilometre, whichever is the lower.

Telephone Expenses

Council will reimburse the cost of all Council related telephone calls made by a Councillor on the production of details of the relevant calls up to a monthly limit of \$50 per Councillor.

Legal Expenses

As a general rule, Council will not provide assistance for legal expenses. However, if a Councillor has a legal matter that they believe merits assistance that matter is to be reported to Council for determination. In considering such a matter, Council will be guided by the contents of the Department of Local Government circular 05/08 *Legal assistance for Councillors and Council Employees*.

Insurance Expenses

As a minimum, Council will provide the following insurance cover in respect to Councillors for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions:

- Public Liability (covers Councillors for negligence arising from day to day Council activities)
- Professional Indemnity (covers Councillors for errors and omissions relating to their Council activities)
- Personal Accident (covers Councillors and partners for bodily injury whilst travelling to and from any local government activity or business)

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- Councillors and Officers (covers Councillors for any civil claims arising out of their normal actions as a Councillor)
- Statutory Liability (covers Councillors for their liability to pay fines which may arise out of innocent breaches of the many Acts which control Council's operations)

PART 3 PROVISION OF FACILITIES

General Provisions

Provision of Facilities Generally

Council will provide the following general facilities:

- Council will provide refreshments following Council and Committee Meetings where appropriate, to include a light supper/meal and refreshments.
- Council will provide Mayor and Councillors in addition to secretarial support, access to telephone, facsimile and photocopiers for Council business purposes through the General Manager's Office.
- Where possible a Council vehicle will be provided for delegates to attend conferences/seminars at the discretion of the General Manager.
- A uniform will be provided upon request by the Councillor, in accordance with the then current policy appertaining to staff and in accordance with the Australian Taxation Office guidelines.
- An identification badge and council business cards will be provided at Council's expense.
- Standard stationery items on an as required basis

Private Benefit

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on council business. However 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 a compensatory payment back to council.

Any private benefit (not considered to be incidental) derived from facilities provided for discharging the functions of civic office shall either be reimbursed by the Councillor or be deducted from fees paid to the Councillor.

Provision of Equipment and Facilities for Councillors

Council will provide Councillors with the following facilities:

- Council Meeting Rooms and areas of Council Administrative Building as required.
- Secretarial support as required through the General Manager's Office.
- Facsimile machine and telephone line
- Facsimile machine supplies.
- Electronic mobile device(s) and printer including access to email and the internet.
- Printer supplies
- Other Stationery items limited to writing pads, pens, diary
- Installation of telephone line for email facsimile communication

All equipment remains the property of Council and is returnable on a Councillor ceasing to hold office.

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Provision of Equipment and Facilities for the Mayor

In addition to Equipment and Facilities for Councillors, Council will provide the Mayor with the following facilities:

- An Office in the Council Administration Building.
- A mobile telephone may be provided with the private operating cost funded from the annual fee payable to the Mayor under Sections 248 and 249 of the Local Government Act 1993.