

Kyogle Council

Payment of Expenses and Provision of Facilities for Councillors



TABLE OF CONTENTS

PURPOSE.....	3
OBJECTIVES.....	3
LEGISLATIVE PROVISIONS.....	3
OTHER GOVERNMENT POLICY PROVISIONS.....	3
APPROVAL ARRANGEMENTS.....	3
GENERAL PROVISIONS.....	3
PAYMENT OF EXPENSES GENERALLY.....	3
ELECTIONS AND FUNDRAISING ACTIVITIES OF POLITICAL PARTIES.....	4
ADVANCE PAYMENTS.....	4
SPOUSE AND PARTNER EXPENSES.....	4
FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS.....	4
FIXING AND PAYMENT OF ANNUAL FEES FOR MAYOR.....	5
AT WHAT INTERVALS ARE FEES TO BE PAID.....	5
SUPERANNUATION.....	5
SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS.....	5
TRAINING, CONFERENCE AND SEMINAR EXPENSES.....	5
ACCOMMODATION AND MEALS.....	6
TRAVEL EXPENSES.....	6
TELEPHONE EXPENSES.....	7
LEGAL EXPENSES.....	7
INSURANCE EXPENSES.....	8
PRIVATE BENEFIT.....	8
PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS.....	8
PROVISION OF EQUIPMENT AND FACILITIES FOR MAYOR.....	9

1. PURPOSE

Kyogle Council recognises that Councillors incur out of pocket expenses and require reasonable facilities to effectively undertake the duties and responsibilities of office. This policy also ensures accountability and transparency in the reimbursement of expenses.

1.1 Objectives

- To set guidelines for the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of Civic Office.
- To ensure accountability and transparency in the payment/reimbursement of expenses and provision of facilities to Councillors
- To comply with relevant provisions of the Local Government Act 1993.

1.2 Legislative Provisions

1.3 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.

1.4 Other Government policy provisions

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

1.5 Approval Arrangements

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

1.7 Approval for discretionary trips, attendance at conferences and/or for other significant expenses and facilities should occur, where possible, at a full meeting of the council.

1.8 Where approval at a full council meeting is not possible or appropriate, approval should be given by the Mayor (or Deputy Mayor) and General Manager (or Public Officer) jointly.

1.9 If the two parties cannot reach agreement on any particular matter, it will be referred to council for determination.

2. General Provisions

2.1 Payment of Expenses Generally

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

2.2 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.

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

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

3. Elections and fundraising activities of political parties

3.1 A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, emails, 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.

3.2 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.

3.3 Advance Payments

3.4 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.

3.4 Spouse and Partner Expenses

Council will not meet any cost associated with a Councillor's 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.

4. Fixing and Payment of Annual Fees for Councillors

4.1 *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.*
4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

4.2 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.*

5. Fixing and Payment of Annual Fees for the Mayor

5.1 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.*

5.2 At what intervals are fees to be paid?

5.3 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.

5.4 Can fees be paid into a compliant superannuation fund?

5.5 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.

5.6 Requests from Councillors must be made in writing to the General Manager. Payments cannot be retrospective.

5.7 Payment of Superannuation

5.8 254B of the Act provides for the payment for superannuation contributions for councillors

(1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.

(2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.

(3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.

6 Specific Expenses for Mayors and Councillors

6.1 Conference and Seminar Expenses

6.2 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 in accordance with this policy.

6.3 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).

6.4 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).

6.5 Council may, by way of resolution, vary the annual limits identified above in cases of necessity.

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

6.7 Councillor Professional Development

6.8 Staff will make necessary arrangements for candidate sessions, Councillor inductions and training courses. Councillors can also apply for additional training costs based on their individual Professional Development plans, subject to available budget.

7 Accommodation and Meals

7.1 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.

7.2 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	164.90	29.45
Brisbane	257	164.90	29.45
Canberra	246	164.90	29.45
Darwin	287	164.90	29.45
Hobart	195	164.90	29.45
Melbourne	265	164.90	29.45
Perth	265	164.90	29.45
Sydney	265	164.90	29.45
Country	195	164.90	29.45

7.3 The Food and Drink amount is dissected as follows – breakfast \$37.50, lunch \$53.10, dinner \$74.30 Over expenditure for one meal can be offset by under expenditure for another.

7.4 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).

8 Travel Expenses

8.1 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.

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

8.3 Councillors will receive reimbursement for the cost of 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 functions, meetings, conferences, seminars or training courses approved in accordance with this policy.
- Progress Association or Ratepayer Association Meetings.
- Ward meetings

8.4 Councillors will not receive reimbursement for travel to attend:

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

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

8.6 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.

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

8.8 Should a Councillor elect to use their vehicle to undertake long distance 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 for the direct route, whichever is the lower.

9 Telephone Expenses

9.1 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. If the service is bundled, 20% of the monthly cost or \$50, whichever is lower.

10 Legal Expenses

10.1 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 Office of Local Government advice.

11 Insurance Expenses

11.1 Council insurance cover applies to Councillors for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions in the following areas:

- Public Liability
- Professional Indemnity
- Personal Accident
- Councillors and Officers
- Statutory Liability

12 PROVISION OF FACILITIES

12.1 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, scanners 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 current staff policy 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 as required for official duties.

12.2 Private Benefit

12.3 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.

12.4 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.

13 Provision of Equipment and Facilities for Councillors

13.1 Councillors will have access to the following facilities:

- Council Meeting Rooms subject to bookings and availability.
- Secretarial support as required through the General Manager's Office.
- Scanner and printer.
- Scanner and printer supplies.
- Electronic mobile device(s) and access to email and the internet.
- Stationery items limited to writing pads, pens, diary

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

14. Provision of Equipment and Facilities for the Mayor

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

- Access to an office in the Council Administration Building.
- A mobile telephone.

The Deputy Mayor will also be provided with a mobile telephone.