



Councillor Expenses and Facilities Policy

Policy Statement:

Councillor expenses and facilities policies allow for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of the residents and ratepayers of the City of Coffs Harbour. All expenses incurred by Councillors are to relate to the performance and carrying out of their civic duties.

Related Legislation, Department of Local Government Circulars or Guideline:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- DLG '*Guidelines for the payment of expenses and the provision of facilities to mayors and Councillors*'. October 2009
- Coffs Harbour City Council's adopted Code of Conduct
- ICAC publication 'No excuse for Misuse'

Does this document replace an existing policy, procedure, or plan?

Yes

Councillors Fees, Expenses and Facilities Policy

As adopted by Council 25 November 2010

Other Related Council Policy or Procedure:

Nil

Application:

It is mandatory for all Councillors to comply with this policy.

Distribution:

This policy and guidelines are available on Council's website under Council policies.
Copies distributed to all Councillors.

Approved by:

Council on: 24 November 2011

Resolution No: GM 11/29 257

Signature:

General Manager

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PART 1 - PRELIMINARY

Objective

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 Mayor and Councillors.

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate and reasonable to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council ie, Council meetings, Committee meetings, and as delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as Councillors, ie, attendance at community functions.

Legislative Provision

The Local Government Act 1993 recognises this obligation and makes provision (Division 5 of Chapter 9) for payment of fees (s.248 and s.249); payment of expenses (s.252) and provision of facilities (s.252).

Basis of Providing Facilities

Unless otherwise provided, the facilities which may be provided to the Mayor and Councillors under this policy, shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Section 248-254A inclusive of the Act.

Reporting Requirements

Clause 217 of the Local Government (General) Regulation 2005 requires Council to include detailed information in its Annual Report about the payment of expenses and facilities to Councillors.

An annual report is to include the following information:

- Details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations).
- Details of the total cost during the year of the payment of the expenses of, and the provision of facilities to Councillors in relation to their civic functions (as paid by the

Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:

- The provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillor's homes (including equipment and line rental costs and internet access costs but not including call costs).
- Telephone calls made by Councillors, including calls made from mobile telephones provided by Council and from landline telephones and facsimile services installed in Councillor's homes.
- The attendance of Councillors at conferences and seminars.
- The training of Councillors and the provision of skill development for Councillors.
- Interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses.
- Overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses.
- The expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time.
- Expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.

Council's Annual Report must also incorporate a copy of this policy.

Misuse of Council Resources

Councillors should have a clear understanding of their responsibilities in using Council's resources. Councillors must:

- Not use his or her official position to accept or acquire an unauthorised personal profit or financial advantage (other than of a token kind as defined by Coffs Harbour City Council's Adopted Code of Conduct).
- Not use Council resources for private purposes unless such use is lawfully authorised and proper payment is made where appropriate.
- Not convert to his or her own use any property of the Council.
- Not use Council's facilities, equipment and services to produce election material or for any other political purpose.
- Ensure that council property, including intellectual property, official services and facilities are not misused by any other person or body.

Additional guidance can be found in Council's Code of Conduct, the Independent Commission Against Corruption publication "No excuse for misuse - preventing the misuse of council resources" and the Department of Local Government's 'Guideline for the Payment of Expenses and the Provision of facilities to Mayors and Councillors' for Local Councils in NSW.

General Expense Allowances

In accordance with clause 403 of the Regulation there is no provision for a general expense allowance for Councillors. A general expense allowance is a sum of money paid by council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

Approval and Dispute Resolution Processes

Approval arrangements for the payment of expenses for Councillor attendance at conferences will be:

- (a) The Council, through resolution duly passed at a Council Meeting;
- (b) The Mayor and General Manager, where such conferences are in accordance with this policy (Part 4, section 5);
- (c) If the Mayor requires approval, this can be done jointly by the Deputy Mayor or another Councillor and the General Manager.

The Mayor, in consultation with the General Manager, is responsible for authorising payment of expenses and the provision of facilities (not relating to attendance at conferences as above) in accordance with this policy.

The Deputy Mayor, or another Councillor, and the General Manager are responsible for authorising payment of expenses and the provision of facilities for the Mayor in accordance with this policy.

Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the Mayor and General Manager, then the disputed decision is to be reviewed by the external members of the Governance and Audit Committee.

Monetary Limits

Monetary limits are mentioned throughout this policy. (Appendix A) provides a table listing all monetary limits.

Any expenses incurred in excess of the limits within this policy should be reported to Council and approval obtained, where possible, prior to the expenses being incurred.

PART 2 - FACILITIES FOR MAYOR AND COUNCILLORS

1. Councillors

To assist the Councillors, including the Mayor in carrying out the duties of their office, they are if they request such, entitled to receive the benefits of the following facilities for use in connection with their civic duties, without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act:

- 1.1 A copy of the Electoral Rolls for the whole Council area and access to Council policies, relevant Acts and Regulations.
- 1.2 Access to a Councillors' Room in the Coffs Harbour City Council Administration Building, suitably equipped with access to telephone, computer terminal connection, copying and printing facilities.
- 1.3 Secretarial service including typing, photocopying, printing and postage for the following purposes:
 - (a) Initiating correspondence to, and answering correspondence received from, residents/ratepayers, Members of Parliament, Government Departments, statutory authorities/bodies, other local authorities, other Councillors, local government related bodies and organisations, the media or the general public in relation to the business of the Council or local government subject to a response to petitions received by Councillors will only be made to the principal person who lodges the petition and not all signatories.
 - (b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
 - (c) Communications to Councillors and Council's staff on official business;
Provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material / letters.
- 1.4 Suitable meals associated with Council and Council Committee meetings, and meetings of Councillors with Parliamentary representatives, visiting dignitaries and other delegations.
- 1.5 Suitable stationery supplies.
 - (a) Councillor business cards, name badges and Council promotional apparel, eg, scarf, tie, cuff-links, etc.
 - (b) Stationery - use of Council letterhead and envelopes for Council business.
 - (c) Postage - official Councillor correspondence – This is to be directed through the Council's own mail system.
- 1.6 Access to Information - Councillors can obtain copies of Council information, if the information is required to enable a Councillor to undertake their role as defined under S232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, Councillors must contact the General Manager, Director, or an officer nominated by the Director.

- 1.7 Preparation of media material except material for an election campaign - professional advice and assistance from officers in preparing media material (other than election campaign material) relevant to the Councillor's role subject, in each case, to the approval of the General Manager.
- 1.8 Recognition of Service (plaque) - that Council provides recognition of service on the basis of:
- (a) One full term or four years service - bronze plaque
 - (b) Two full terms or eight years service - commemorative watch
 - (c) Three full terms or twelve years service - pen set
 - (d) Four full terms or sixteen years service - silver plaque
 - (e) Five full terms or twenty years service - gold plaque and commemorative clock.
- 1.9 Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of Councillor. If required, Councillors are also issued with a cab charge card. Cab charge cards are for Council business, when a Council vehicle is not reasonably available to provide such transport, or the provision of a vehicle would not be economical in the circumstances.
- 1.10 The following furniture and/or equipment which shall remain the property of the Council, subject to the conditions specified and subject to the immediate return of such furniture and/or equipment to the Council in good operational order and condition upon ceasing to be an elected member of the Council:
- (a) Four (4) drawer filing cabinet
 - (b) A mobile phone – with blue tooth installed in the Councillor's private vehicle if required.
 - An appropriate call plan will be entered into, whereby Council meets the cost of the monthly service and access fees and individual Councillors meet the cost of any additional private calls.
 - The Councillor's business mobile phone number is to be made available to the public.
 - Currently one gigabyte (1gb) of data per month is to be included in the plan. If this amount is exceeded, the cost at the current rate as charged by council's provider will be reimbursed by the Councillor.
 - (c) Current edition of the Coffs Harbour Street Directory.
 - (d) A laptop or other form of electronic system and any associated printing, ancillary equipment and software to enable processing of correspondence and access to Council business papers, minutes, policies and other Council records if such are distributed to Councillors in electronic data form.
 - Computer software training - Councillors will be provided with computer software training where necessary to undertake Councillor duties. Course fees and software will be met by Council.

- (e) Security Key - Councillors are to be provided with a security key for access to building and a key to access the Councillors Room.
- (f) Corporate clothing and protective clothing and equipment when required.

Acquisition of Equipment - Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council or Councillors may purchase equipment at either trade-in-value or the price Council would obtain for its disposal or particular items may be purchased at current written down value.

1.11 Reimbursement:

- a) Councillors will receive a regular copy of their mobile phone account. Calls not used for council business are to be reimbursed to Council.
 - b) Postage of official Councillor correspondence - Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.
- 1.12 Provision of four carparking reserved spaces at the Coffs Harbour City Council Administration Building for the specific use of Councillors on Council business during business hours.

1.13 Sustenance

Councillors seeking reimbursement for sustenance expenses should provide receipts in accordance with Goods and Services Tax (GST) requirements.

1.14 Payment of expenses for spouses, partners and accompanying persons.

There may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor). An accompanying person is a person who has a close personal relationship with the Councillor and/ or provides carer support to the Councillor.

As a consequence, meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the local government area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to, Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by council.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences could be met by councils. These expenses should be limited to the cost of registration and the official conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner/ accompanying person tours etc. should be the personal responsibility of individual Councillors.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a Councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.

The above circumstances should be distinguished from spouses, partners of accompanying persons who accompany a Councillor at any event or function outside the council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government and Shires Associations annual conferences, as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany Councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/ partner/ accompanying person.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/ or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

1.15 Care Expenses

- (a) Council will reimburse Councillors for the cost of care services incurred while on authorised Council business. Expense claims for reimbursement are to be accompanied by an itemised receipt and a maximum of \$18.00 per hour per child applying. This will be paid to a maximum of \$2000 annually.
- (b) Council will give consideration to the payment of other related expenses associated with the special requirements of Councillors with disability and access needs, including reasonable transportation provisions for those unable to drive a vehicle, to allow them to perform their normal civic duties and responsibilities. Costs could include accommodation, meals and travel expenses for carers, accompanying a Councillor where required.

1.16 Private Benefit – Councillors (incl Mayor) should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as ‘frequent flyer’ schemes or any other loyalty programs while on council business. 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. Anything other than incidental private use should be reimbursed to council at the recognised cost.

2. Additional Facilities for the Mayor

The Mayor shall, in carrying out the duties of that office, be entitled to receive the benefit of the following facilities without reduction of the fees payable under Section 248 and/or 249 of the Act:

A similar facility shall be available to the Deputy Mayor at any time he or she is required to act as the Mayor in accordance with Section 231 of the Act.

- 2.1 Suitable furnished office accommodation within the Coffs Harbour City Council Administration Building.
- 2.2 Secretarial services including typing, photocopying, printing, postage, email, facsimile and telephone facilities.
- 2.3 Administrative assistance associated with any Council function, meetings, publications and the like.
- 2.4 Office refreshments for entertainment purposes.
- 2.5 The provision of a suitable and appropriate vehicle fully serviced and maintained for both civic and private use. In the event of the vehicle being used for private use Council shall set any contribution level from time to time. The current contribution rate is nil, subject to the following clause:

A fuel card is provided for refuelling from Council authorised facilities, however, during periods of private use any refuelling occurring outside a 200km radius from the Council administrative centre, must be paid for by the Mayor.

At any time the Deputy Mayor is required to act as the Mayor, in accordance with Section 231 of the Act. "the provision of a suitable and appropriate vehicle fully serviced and maintained for use for all official, executive and social duties connected with the office shall be made available."

- 2.6 The provision of an allocated parking space at Council's Administration Building.
- 2.7 The provision of expenses and facilities for the Mayor and/or partner to attend on behalf of Council in the office of the Mayor on official or legal occasions. As a guide the amounts payable for accommodation and meals will be the maximum reasonable travel and meal expense amounts determined by the Australian Taxation Office (ATO), as stated on the ATO website, currently TD 2011/17 – Table 3.

If the Mayor is attending a conference and accommodation is available at the conference venue, Council will pay for a standard double room at the venue. Council will pay for the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

- 2.8 Mobile/car communication technology, including charges for rental, calls, etc related to civic duties. Any calls of a personal nature are to be reimbursed to council.
- 2.9 Stationery, including Mayoral letterhead, envelopes and stationery generally.

- 2.10 If the Mayor so chooses, provision of a corporate purchase card to be used for official Council business and expenditures provided under the annual allocation for discretionary expenditure for the office of Mayor. The corporate purchase card is to be used in situations where it is not reasonably possible to go through the Council's normal procedures for the ordering and/or payment for goods or services.
- 2.11 Ceremonial clothing including Mayoral robes and Chain of Office.

PART 3 - TRAVEL COSTS - USE OF COUNCILLORS PRIVATE VEHICLES

3. Councillors

- 3.1 Councillors, subject to the Councillor's private vehicle being currently registered and covered by Compulsory Third Party Insurance, may claim a kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence and:
- (a) Attending Council, Committee or Sub Committee meetings as a Councillor or delegate of the Council, engagements, appointments and attending to the transaction of Council business;
 - (b) Inspections listed on the Council Meeting Agenda, undertaken in compliance with a resolution of the Council or at the request of a resident;
 - (c) Attending public meetings and civic functions convened by the Council or other community meetings where a Councillor has been invited to attend;
 - (d) Any conference as defined in the policy.
- 3.2 Kilometre rates for such travel will be paid at the rate set by the 'ATO cents per kilometre rates' at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to the Councillor's own vehicle, and any loss of no claim bonus and any excess not covered by insurance.
- 3.3 Payment is subject to a formal claim on the prescribed voucher form being lodged by the Councillor not later than three (3) months after the travel occurred.
- 3.4 Costs of traffic or parking fines incurred while travelling in vehicles on Council business are the responsibility of the driver.

PART 4 - CONFERENCES HELD IN AUSTRALIA

In this part Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events, etc related to the industry of local government and held within Australia.

4. Who may attend Conferences:

- 4.1 Any Councillor may be nominated and authorised to attend conferences.
- 4.2 The Mayor may authorise a substitute Councillor to attend any conference in lieu of the Mayor.

5. What Conferences may be Attended:

The conferences to which this policy applies shall generally be confined to:

- Local Government Association (LGA) and Australian Local Government Association (ALGA) Conferences.
- Special "one-off" conferences called or sponsored by or for the LGA and/or ALGA on important issues.
- Annual conferences of the major Professions in Local Government
- Australian Sister Cities Conferences.
- Regional Organisation of Council's 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.
- Any meetings, conferences, organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or the LGA.

6. Councillors' Attendance

- That Councillors attending either conferences or seminars funded by Council be required to attend at least 90% of scheduled sessions.
- That, other than in the most exceptional circumstances, where Councillors fail to comply with this policy, they be required to show cause why they should not reimburse any Council costs incurred.

7. Local Government and Shires Association Councillor Professional Development Program and Other Local Government Conference and Seminar Programs

- That the Mayor and General Manager be delegated the right to approve Councillors' applications to attend any workshop sessions or seminars as part of the Local Government Professional Development Program and other affiliated programs.
- That Councillors report in writing within one month of attendance to an open session of Council on the outcome of Local Government program sessions in conjunction with the half yearly report on Councillors' Expenses.

8. Conference Costs

The following shall apply for Councillors authorised and/or appointed as delegates under this policy to attend Conferences (as defined above):

8.1 Registration

The Council will pay all normal registration costs for Councillors/delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

8.2 Accommodation and Meals

As a guide the amounts payable for accommodation and meals will be in line with the maximum travel and meal expense amounts determined by the Australian Taxation Office, as stated on the ATO website, currently TD 2011/17 – table 3.

Excerpt taken from table 3 shown below:

	Accommodation and Meals \$
Sydney	265.00
Breakfast	30.30
Lunch	42.95
Dinner	60.20

If accommodation is available at the conference venue, Council will pay for a standard double room at the venue. Council will pay for the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

8.3 Travel

- (a) All reasonable travel costs for Councillors/delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the General Manager.
- (d) Councillors using private vehicles in accordance with this policy may claim the "kilometre" allowance at the date of travel as per Clause 3.2, but subject to such cost not exceeding economy class air fares to and from the particular destination.

- (e) Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, will be reimbursed by the Council.
- (f) Costs of traffic or parking fines incurred while travelling in private or Council vehicles on Council business are the responsibility of the driver.

9. Conference Costs - Incidental Expenses

- 9.1 So that Councillors, as delegates of the Council attending conferences are not financially disadvantaged, each Councillor attending in pursuance of a Council resolution or Mayoral authority, shall be entitled to reimbursement of incidental expenses.
- 9.2 The amount of the payment under Clause 9.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred, subject to daily limits specified in Appendix A.
- 9.3 Such payment shall be made to cover all incidental expenses associated with the conference attendance such as:
 - (a) All telephone or facsimile calls. Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference. Other telephone expenses are to be paid for by the delegate;
 - (b) Laundry - Council will meet the cost of reasonable laundry or dry cleaning services, if necessary;
 - (c) Any optional activity in a conference program;
 - (d) Gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the General Manager;
 - (e) Gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received should be declared on return.
- 9.4 The following Incidental expenses will not be met by Council:
 - (a) Bar fridge – Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.
 - (b) Bar service – Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of the Council's delegation.
- 9.5 A cash payment for incidental expenses under this clause may be paid to a Councillor in advance, subject to any portion being refundable to the Council within seven (7) days of the conclusion of the conference if the actual period of attendance is less than that upon which the allowance was assessed.

10. Conference Costs - Payment in Advance

- 10.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible a cash allowance or cheque equivalent thereto may be paid in advance to the attendee for payment to the appropriate party.
- 10.2 Any advance payments must be properly accounted for on the prescribed voucher form within one (1) month after such conference.

11. Conference Costs - Councillors'/Delegates' Accompanying Person

- 11.1 Where the Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council. Accompanying person's registration, or accompanying person's program fees, is to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.
- 11.2 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 Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

Note: Reference should also be made to section 2.14 Payment of Expenses for spouses, partners and accompanying persons.

PART 5 - CONFERENCES OVERSEAS

12. Attendance at Overseas Conferences

Proposals for overseas travel by Councillors and staff on Council business will be documented in the annual Operational Plan, outlining the direct and tangible benefits to Council and the community for the proposed trip. The plan will be widely circulated in the community. Community input about the proposed visit can therefore be considered as part of the Operational Plan review and budget finalisation process.

Overseas travel must be approved by a meeting of the full council prior to a Councillor undertaking the trip. Travel must be approved on an individual trip basis. Retrospective reimbursement of overseas travel expenses is not permitted, unless prior authorisation of the travel has been obtained.

Travel proposals should be included in the council business papers. The use of a mayoral minute to obtain council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

A detailed report should be given in the Annual Report for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits will flow into the community.

Overseas conferences, seminars and courses - reimbursement of costs associated will be in accordance with the conditions applying for conferences held in Australia except:

- (a) The terms "conference" and "delegation" as occurring in this policy include visits of cultural exchange between Council and other Local Government areas as part of Council's Business of Local Government;
- (b) Accommodation expenses incurred for conference and/or other travel/delegation etc. will be paid, including for the night prior to and following such conference or delegation, depending upon travel schedules, as expressly authorised by Council prior to such travel being incurred.

Accommodation that may be required in transit to overseas conferences should equate to an Australian 4 star ranking.

- (c) Travel costs for both air and ground charges will be met by Council as follows:
 - Airfares will be at business class standard if flight is more than ten hours
 - Any travel by train will be first class, including sleeping berths where necessary
 - Road transport will be by taxi or hire car having regard to distance and the constraints of time.

PART 6 - LEGAL ASSISTANCE FOR COUNCILLORS

13. Legal and Representation Costs - Enquiries, Investigations, Hearings, etc

That in the event of:

13.1 Any enquiry, investigation or hearing by any of:

- the Independent Commission Against Corruption;
- the Office of the Ombudsman;
- the Department of Local Government;
- the Police;
- the Director of Public Prosecutions; or
- the Local Government Pecuniary Interest Tribunal,

Into the conduct of a Councillor; or

13.2 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, at the conclusion of such 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:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis;
- The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and the Councillor acted in good faith as required under Section 731 of the Local Government Act.
- The amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the average hourly rate then being charged by Council's Solicitors will be paid, ie, any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitor will not be reimbursed;
- For proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor
- If a Councillor is defending an action in defamation the statements complained of were made in good faith in the course of exercising a function under the Act
- The Council is not the plaintiff in the action; and
- The proceedings were not initiated by the Councillor

13.3 Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the Code of Conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her duties as a Councillor will be provided and paid for by Council.

13.4 Council will not meet the costs of a councillor (or council employee) seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

13.5 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain. This latter type of expense would not be covered by council.

If there is doubt as to whether the matter was a result of a Councillors duty or function under the Act, the matter would be referred for initial assessment to council's legal or insurance representatives to determine. When this determination is received it should then be reported to Council.

PART 7 - INSURANCE AND HEALTH MAINTENANCE AND ASSESSMENT PROGRAMS

14. Insurance - Councillors

The Council will insure, or will provide for the insurance of Councillors for:

14.1 Personal Accident and Travel

- (a) Personal injury whilst ever engaged in or on any Council activity, worldwide, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death determined by the Council and also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses as medical expenses cannot be included due to the provisions set down in the Health Act. The Council shall determine the distribution of any benefits arising from such insurance to the Councillor or his/her beneficiaries.
- (b) Councillors are to receive the benefit of insurance cover for:

Personal Accident and Travel

Benefits	Cover
Death Benefit	Elected Members \$500,000
Weekly Benefits	<ul style="list-style-type: none">▪ 100% of average weekly income up to a maximum of \$4000 per week▪ Aggregate Period - 156 weeks▪ Temporary Partial Disablement benefits shall be limited to 75% of average weekly income up to a maximum of \$3000 per week, indexed annually by CPI from the date of claim.
Personal Liability	\$10,000,000
<i>Note: Full details of coverage available on request.</i>	

14.2 Professional Indemnity/Public Liability

- Public Liability.
- Professional Indemnity - For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under section 731 of the Local Government Act, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.
- Professional Indemnity - For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direct of Council, taken out.

- 14.3 To indemnify each insured person(s) (Councillors) for all costs, charges, expenses and defence costs **but** excluding **fin**es and **penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.
- 14.4 Councillors and Officers Liability - Councillors and Officers Liability Insurance provides limited financial protection to Councillors and staff in circumstances where they may be named as an individual to a claim, and the normal protections under the Local Government Act or Council's General and Professional Liability insurance are not available.

The protection provided covers the liability to pay civil damages, the claimants legal costs, and the Councillors or staff member's costs incurred in the claim (policy limit \$1million). The protection extends to the estate and heirs of a deceased Councillor or staff member.

The policy specifically excludes protection for claims brought by a Councillor or staff members against another.

PART 8 - ANNUAL FEES - MAYOR AND COUNCILLORS

15. Fees Payable to Councillors

Pursuant to Section 248 of the Act, the Council shall, prior to 30th June each year, set by resolution, the annual fees to be paid to a Councillor for the following year commencing 1st July, 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 Regulations and any specific resolution of the Council under Section 254A.

16. Fees Payable to the Mayor

Pursuant to Section 249 of the Act, the Council shall, prior to 30th June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1st July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

17. Sacrificing Annual Councillors Fees to Complying Superannuation Funds

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.

Appendix A - MONETARY LIMITS FOR EXPENSES

Policy Ref No.	Expense Type	Limit Amount	Comment
Part 4	Attendance at workshops and training courses	Enrolment fee, including official luncheons, dinners & tours.	
Part 4	Attendance at dinners and other civic related functions	Cost of service/function	
Part 4 8.2	Accommodation - If accommodation is available at conference or training venue, Council will pay for a standard double room at the venue where the overnight cost exceeds current ATO guideline.	As per ATO guidelines for current financial year, currently max amt \$265 per night	As per ATO guidelines for current financial year
Part 4 8.2	Meals	Breakfast \$30.30 Lunch \$42.95 Dinner \$60.20	As per ATO guidelines for current financial year
Part 3 9.1	Incidental expenses associated with attendance at seminars and training courses	\$24.05 daily	Actual expense up to current ATO limit daily. Examples: car parking, road tolls.
Part 3 3.1 – 3.4	Air Travel	Actual Fare	
Part 3 3.1 – 3.4	Rail Travel	Actual Fare	
Part 3 3.1 – 3.4	Bus Travel	Actual Fare	
Part 3 3.1 – 3.4	Use of private motor vehicle	Per km allowance as defined by the ATO rates per business km + car parking at venue	Engine capacity Rate per km: Under 2500 cc \$0.63 2500 cc & over \$0.74
Part 2 1.10	Telephone call costs and related expenses		As per current telecommunications plan
Part 2 1.10	Internet Access	Council's current telecommunications plan	Up to 1gb per month
Part 2 1.15	Carer expenses	Up to \$2000 per annum	
Part 2 1.5 (c)	Postage	Reasonable postage – to be processed through Council's mail system	

