

COUNCIL POLICY:	COUNCILLORS EXPENSES & USE OF FACILITIES POLICY
Ref:	

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INVERELL SHIRE COUNCIL

PAYMENT OF EXPENSES TO
AND USE OF COUNCIL FACILITIES
AND EQUIPMENT BY COUNCILLORS

1. PAYMENT OF EXPENSES

1.1 PURPOSE

The purpose of this policy is to provide clear guidelines on what type of expenses Councillors are entitled to claim payment for from the Council.

1.2 GENERAL

1.2.1 Councillors may only claim payment for expenses incurred in the course of performing their duties as Councillors.

1.2.2 This policy should be read in conjunction with Council's policy on attendance at conferences.

1.2.3 All claims for payment under this section of the policy must be made on the appropriate form.

1.3 APPROVED BUSINESS FOR WHICH CLAIMS MAY BE MADE

1.3.1 Payment may be made for travel to and from the meetings of Council or the meetings of any committee of the Council.

1.3.2 Payment may be made for travel to and from any business of the Council where there is a resolution of the Council that the elected member in question attend the business (if this is not possible, then approval should be given jointly by the Mayor and General Manager. In respect of the Mayor, then approval should then be given jointly by the Deputy Mayor and General Manager).

1.3.3 Payment of a daily allowance, in accordance with Policy Annexure No. 9, may be made for each day that a Councillor attends business of Council which involves an overnight stay away from home where there is a resolution of the Council that the elected member in question attend the business (if this is not possible, then approval should be given jointly by the Mayor and General Manager. In respect of the Mayor, then approval should then be given jointly by the Deputy Mayor and General Manager).

1.4 APPROVED MEANS OF TRAVEL

1.4.1 Authorised travel may be undertaken by private vehicle, public transport or taxi. Claims for reimbursement for such uses should be made on the prescribed form upon the production of appropriate receipts and tax invoices.

1.4.2 Authorised travel may be undertaken by aeroplane where such travel has been organised by Council staff.

1.5 REIMBURSEMENT AND RECONCILIATION OF EXPENSES

1.5.1 Reimbursement of costs and expenses to councillors will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms. Claims must be made within one (1) month of the cost or expense being incurred.

1.6 PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

a) Council will pay 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 are those where a councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples include but not be limited to, Australia Day award

ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council. The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above are 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, transport and accommodation are not considered reimbursable expenses.

- b) Council will pay limited expenses in respect of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are 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 are the personal responsibility of individual councillors.

1.7 INCIDENTAL EXPENSES

Council will pay reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training course subject to applicable monetary limits. Reimbursement of costs and expenses to councillors will only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms. Claims must be made within one (1) month of the cost or expense being incurred. Incidental expenses may include telephone or facsimile costs, meals, taxi fares and parking fees (does not include parking fines or traffic infringements).

2. USE OF EQUIPMENT

2.1 PURPOSE

The purpose of this policy is to provide clear guidelines on which Council equipment may be used by Councillors.

2.2 GENERAL

2.2.1 All Councillors will, on commencing their duties, be presented with the following:-

- i) A copy of the Bluett Local Government Handbook;
- ii) A name badge;
- iii) A brief case; and
- iv) A suit, tie and two shirts (of appropriate standard as determined by the Mayor and General Manager) suitably embossed with Council's corporate logo.
- v) Stationery, office supplies, postage and business cards up to a monetary limit of \$100 each year.

2.2.2 Councillors may only use Council equipment in the course of performing their duties as Councillors.

2.2.3 The use of Council equipment must be arranged with the Executive Public Relations Officer, and at a convenient time that will not unduly interfere with other staff activities.

2.3 OTHER FACILITIES AND EQUIPMENT

Councillors may be provided with other facilities and equipment from time to time in accordance with the guidelines which enable the effective and efficient conduct of council business, subject to the approval of the Mayor and General Manager. For example a difficult to contact councillor may be provided with a facsimile machine.

2.4 ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES BY COUNCILLORS

Councillors are able to purchase council equipment previously allocated to them at the cessation of their duties at an agreed fair market price. This does not extend to the Mayoral vehicle or computer/IT equipment and programs which operate as part of Council's corporate information system.

2.5 PHOTOCOPIERS

2.5.1 Any photocopying requirement should be arranged through the Executive Public Relations Officer and will be done when time permits.

2.6 FACSIMILE

2.6.1 All facsimiles to be sent by Councillors should be arranged through the Executive Public Relations Officer during the hours of 8.30 a.m. and 4.30 p.m. except by special arrangement with the Mayor or General Manager.

2.6.2 Councillors should not send more than 10 pages per day without the approval of either the Mayor or the General Manager.

2.7 TELEPHONES

2.7.1 Councillors may use the telephones in the Administrative Building for Council activities provided they have the approval of the Mayor, General Manager, Divisional Director or Branch Manager prior to doing so.

2.8 CARE AND OTHER RELATED EXPENSES

2.8.1 Councillors be reimbursed the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors, but that this be limited to circumstances where the councillor is the primary care provider. This assistance is only available for the purpose of allowing councillors to attend Council's Ordinary monthly meeting, meetings of a Council Committee where the councillor is a member of the Committee or in circumstances where the councillor has been authorized to attend a Conference by the Council; and

2.8.2 Councillors be reimbursed the reasonable cost of expenses associated with the special requirements of councillors in respect of disability and access needs, to allow them to perform their normal civic duties and responsibilities.

2.9 OTHER EQUIPMENT

2.9.1 Councillors requiring the use of other equipment not specifically covered in this policy shall seek the approval of the Mayor or General Manager before using such equipment.

3. REQUESTS INVOLVING THE USE OF STAFF TIME

3.1 PURPOSE

The purpose of this policy is to provide clear guidelines on the means by which Councillors may ask questions or make requests of staff which will involve the use of staff time. The policy is designed to promote appropriate response time and adequate monitoring of such questions.

3.2 Councillors when making requests of staff should ensure that such requests are reasonable and not likely to unnecessarily divert large amounts of staff time from other tasks.

3.3 DIRECT ENQUIRIES

3.3.1 Direct enquiries may be either in writing or verbal.

3.3.2 Such enquiries should be addressed to the General Manager or Divisional Director, except if they are of such a routine nature (eg. the date of a Council meeting) that they can be dealt with by another staff member.

4. BUILDING ACCESS

4.1 PURPOSE

The purpose of this policy is to provide clear guidelines on which areas of the Administration Centre Councillors have access to, and during what times such access may be gained.

4.2 GENERAL

4.2.1 The Administration building should only be used by Councillors for the performance of their duties as Councillors.

4.3 ACCESS TO SECTIONS OF THE ADMINISTRATIVE BUILDING

4.3.1 Councillors have access, during the hours 8.30 a.m. to 4.30 p.m. to all public areas of the building, including Front Foyer area, and Public Toilets.

4.3.2 Councillors have access, during Council meeting and Committee meeting times to the Council Chambers and Committee Room, as well as all public areas of the building. Councillors wishing to use the Council Chambers or Committee Room outside of meeting times should make arrangement to do so with the General Manager's Secretary.

4.3.3 Councillors wishing to have access to staff working within the Administrative building, or to access the staff work area of the Administrative building should make arrangement with either the General Manager or appropriate Divisional Director.

5. USE OF COUNCIL VEHICLES

5.1 PURPOSE

The purpose of this policy is to provide clear guidelines on the circumstances under which Councillors may use Council vehicles.

5.2 ACCESS TO VEHICLES

5.2.1 Councillors may use Council vehicles to attend conferences, seminars or other official functions where there is a resolution of Council that the elected member in question attend, or attendance has been authorised by the Mayor. Provided that a Council vehicle is available, and that the motor vehicle is the most appropriate means of travel in the circumstances.

5.2.2 Council staff will only be available to transport Councillors when they are on official Council business, and staff would be travelling on the trip in question in the normal course of their duties.

5.2.3 All Traffic Infringement or Parking Fines incurred while travelling in private or council vehicles whilst on council business are the personal responsibility of the driver.

6. ACCESS TO COUNCIL RECORDS

6.1 PURPOSE

The purpose of this policy is to provide clear guidelines on what records Councillors are able to inspect and the means of inspecting such records.

6.2 PROCEDURE FOR GAINING ACCESS TO RECORDS

6.2.1 Requests to gain access to Council's records should be made to Council's Public Officer.

6.2.2 The Public Officer will refuse access to records:

- which contain information, the disclosure of which would in any way result in a breach of pecuniary interest or confidentiality provision of the Local Government Act
- which are the subject of an investigation by the Department of Local Government, ICAC or any other body
- which contain information relating to any current negotiation between Council and any other party
- personnel records of Council staff
- where the Public Officer believes that the Council would wish to determine whether or not access should be given

7. PROVISION OF FACILITIES TO THE MAYOR

7.1 PURPOSE

The purpose of this policy is to establish clear guidelines on what facilities should be made available to the Mayor above and beyond the facilities made available to other Councillors.

7.2 GENERAL

7.2.1 As the Mayor has duties and responsibilities beyond those of other Councillors, it is recognised that facilities beyond those available to other Councillors would be made available to the Mayor to carry out the duties of his or her office.

7.3 PROVISION OF FACILITIES

7.3.1 The Mayor shall be entitled to all of the provision available for Councillors outlined in this policy.

7.3.2 The Mayor shall also be entitled to:

- An office within the Administration Centre;
- Access to Secretarial Services;
- Use of any stationery and facilities necessary to carry out the duties of the office of the Mayor;
- Civic and private use of a motor vehicle with the private use component to be reimbursed at the Senior Executive Service – NSW State Government Rate as determined each April;
- A dedicated telephone line, internet connection, basic computer and a facsimile machine for use on Council related business with call/data costs to be up to a maximum of \$200 per month;
- A mobile phone for use on Council related business with call costs to be up to a maximum of \$300 per month;
- Entrance costs to official functions (where the Mayor is extended an official invitation to the function in their capacity as Mayor); and
- A corporate credit card to be used strictly in accordance with Council policy.

8. PROVISION OF FACILITIES TO THE DEPUTY MAYOR

8.1 PURPOSE

The purpose of this policy is to establish clear guidelines on what facilities should be made available to the Deputy Mayor above and beyond the facilities made available to other Councillors.

8.2 GENERAL

8.2.1 As the Deputy Mayor has duties and responsibilities beyond those of other Councillors, it is recognised that facilities beyond those available to other Councillors would be made available to the Deputy Mayor to carry out the duties of his or her office.

8.3 PROVISION OF FACILITIES

8.3.1 The Deputy Mayor shall be entitled to all of the provision available for Councillors outlined in this policy.

8.3.2 The Deputy Mayor shall also be entitled to:

- a monthly payment equivalent to the full line phone rental/internet access
- a facsimile machine for use on Council related business

Note: All other Councillors will receive a monthly payment to offset the cost of phone line/internet access costs. Please refer Annexure 9.

9. PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES TO COUNCILLORS AND MAYOR

9.1 PURPOSE

The purpose of this policy is to provide clear guidelines on what fees, and reimbursement of expenses, are paid to the Mayor and other Councillors.

9.2 FIXING AND PAYMENT OF ANNUAL FEES, AND THE REIMBURSEMENT OF EXPENSES TO THE MAYOR AND COUNCILLORS

9.2.1 The fees payable to the Mayor and Councillors and the reimbursement of expenses are fixed annually in accordance with the requirements of Clauses 248 to 253 of the *Local Government Act* 1993. Refer Annexure No. 9 of the Inverell Shire Policy Manual for details of fees and reimbursement of expenses applicable to this year.

9.3 REIMBURSEMENT AND RECONCILIATION OF EXPENSES

Reimbursement of costs and expenses to councillors only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim form. Claims must be made within one (1) month of the expense being incurred.

9.4 PAYMENTS IN ADVANCE

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy. Councillors must fully reconcile all expenses against the cost of the advance when they return within one (1) month of the event.

10. LEGAL ASSISTANCE PROVISIONS AND EXPENSES

10.1 PURPOSE

The purpose of this policy is to provide clear guidelines on what legal assistance may be incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the *Local Government Act, 1993*.

10.2 COUNCIL ASSISTANCE

10.2.1 Council will disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

10.2.2 In the particular circumstances outlined below, Council will indemnify or reimburse the reasonable legal expenses of:

- (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- (b) a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- (c) a councillor 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.

10.2.3 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are 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 does not form part of this policy adopted under section 252 of the Act.

10.2.4 Council will lawfully obtain insurance cover against the risk of having to meet the costs of or to reimburse a councillor under this Policy, provided that the costs or reimbursements are ones that the council is authorised to meet.

10.2.5 Council will not meet the costs of an action in defamation taken by a councillor as plaintiff in any circumstances.

10.2.6 Council will not meet the costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

10.2.7 Council will not meet the costs of a councillor seeking advice or as plaintiff in any other circumstances where the councillor initiates action.

11. INSURANCE PROVISIONS AND EXPENSES

11.1 PURPOSE

The purpose of this policy is to provide clear guidelines on insurance coverage that is provided for councillors.

11.2 INSURANCE POLICIES

11.2.1 Council will provide the following insurances in respect of councillors:

- Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Councillors and Officers Liability Insurances (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Personal Injury/Travel Insurance (whilst on authorised Council business in Australia).