

GO6 – Amendment to Councillor’s Fees, Expenses & Facilities Policy

RECOMMENDATION

1. That the amended Councillor’s Fees, Expenses & Facilities policy be placed on Public Exhibition for a period of 28 days with a further 14 days for submissions.
2. That a report come to Council following the submission period for the policy to be adopted.

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ATTACHMENT 1 – 111 – 18 JULY 2016



SUMMARY OF CHANGES – COUNCILLORS FEES, EXPENSES & FACILITIES POLICY

Location	Previous Wording	New Wording	Reasoning
Page 1 – 4.1	\$18,380	\$18,840	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillors Fees.
Page 1 – 4.2	\$40,090	\$41,090	The Local Government Remuneration Tribunal has released the Report and Determination for the increase of Councillors Fees.
Page 9 – 10.3	15-24 – 2015/16	16-15 – 2016/17	Updated Circular Number
Page 15 – Attachment 9.5	Cost per Councillor IPad3 - \$680 IPad Cover - \$70 MFP Printer - \$570	Cost per Councillor IPad - \$1000 IPad Cover - \$100 Printer - \$600	Updated figures supplied by IT

Note: OLG have not put out the circular for the 2016 fees. This information should be available prior to the final agenda.

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1. POLICY OBJECTIVES

- 1.1 To ensure all Councillors are treated in a consistent and fair manner in the payment of fees, reimbursement of expenses and provisions of facilities by Council.
- 1.2 To ensure accountability and transparency in the reimbursement of expenses incurred by Councillors.
- 1.3 To ensure that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

2. BACKGROUND

- 2.1 Section 252 of the *Local Government Act 1993* addresses the issue of councils setting limits to the payment of various expenses within Council. Council may disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

3. ELIGIBILITY

- 3.1 This policy applies to all Councillors, including the Mayor and Deputy Mayor. They are also relevant to NSW council administrators where applicable.
- 3.2 This policy applies to all Council Officers required to process expense reimbursements for Councillors.
- 3.3 This policy applies to all Council Officers involved with any matters relating to payment of Councillor Fees.

4. GUIDELINES

Part 1 - (Payment of Councillor Fees)

- 4.1 The fees for the current financial year are set at **\$18,840** per Councillor in line with the most recent determination of the Remuneration Tribunal.
- 4.2 The Mayoral fee in addition to the Councillors fee for the current financial year is set at **\$41,090** in line with the most recent determination of the Remuneration Tribunal.
- 4.3 Should the Deputy Mayor be requested by the Mayor or if the Mayor is prevented (for a minimum duration of 1 month) by illness; absence or otherwise or during a casual vacancy in the office of the Mayor to exercise any function of the Mayor, they will be paid 1/12th of the annual Mayoral Allowance - pro-rata for the period. The payment will be taken from the allowance paid to the Mayor.

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Part 2 - (Reimbursement of Expenses)

There is no provision of a **General Expense Allowance** for Councillors.

- 4.4 Each Councillor is entitled to an equal set amount of reimbursements for the financial year, in accordance with the allocated budget allowances within the Local Democracy Budget. *The amount for the current financial year is shown in the attached table (Attachment 9.4).*
- 4.5 All reimbursement lodgements must be accompanied by an appropriate receipt. The receipt must include the Business Name and ABN of the provider, Date of Receipt, and GST component (where applicable).
- 4.6 All reimbursement lodgements must be accompanied by a completed "Reimbursement of Councillor Expenses" form. The claimed amount must be authorised by the General Manager. *Claim form is attached (Attachment 9.3).*
- 4.7 All receipts for reimbursement of expenses should be lodged with Council within thirty (30) working days of the final day of the financial quarter in which the charge has been incurred.
- 4.8 Councillors may seek an advanced payment of expenses for the cost of a service associated with a civic duty. In these instances, joint permission from the Mayor and General Manager to do so must be sought. Reconciliation of such expenses must be made with the Council within eight (8) working days of the date on which the expense was incurred.
- 4.9 Councillors may be reimbursed for expenses for child care charges, elderly care charges, disabled care and/or sick immediate family member's care, during hours where a Councillor is required to undertake their Council business obligations. The reimbursements of care charges outlined in this clause are conditional on the child/family member being in the care of a registered carer. This amount will be set as per the attached table and will be reviewed annually and adjusted to meet individual circumstances. *(Attachment 9.4).*
- 4.10 Expenses including Councillors' fees are paid monthly in arrears by direct credit to a nominated local bank, building society or credit union account.

Part 3 - (Approval for Attendance and Reimbursement of Expenses - Conferences)

- 4.11 Councillors must submit a request in writing to attend any conference or event other than the LGNSW Conference and the National General Assembly for the Local Government Conference, prior to registration. The submission should outline the benefits to Council.

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- 4.12 Permission to attend conferences or events must be granted by Council at an official meeting of Council.
- 4.13 In circumstances where an official meeting of Council is not held within a reasonable timeframe for approval for attendance at the conference or event to be granted, the approval may be granted jointly by the Mayor and General Manager.
- 4.14 Once approval has been granted for attendance at a conference, Council will pay the following costs (subject to any special conditions of approval for the attendance):
 - 4.14.1 Registration fees.
 - 4.14.2 Accommodation booked by Council (for Councillor only).
 - 4.14.3 Meals and refreshments (for Councillor only).
 - 4.14.4 Travel, under the following guidelines:
 - 4.14.4.1 Council will designate the mode and provider for travel.
 - 4.14.4.2 Where Council does not arrange for the mode of transport and a private vehicle is used, the cost of petrol and relevant running expenses will be reimbursed upon production of receipts (refer to clauses 4.6, 4.7 & 4.8 of this policy for details) (**Attachment 9.2**).
 - 4.14.4.3 Only travel to and from the conference, as well as travel expenses incurred as part of attendance requirements for the conference.
 - 4.14.5 Incidental expenses such as telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees (**Attachment 9.4**) and claim form (**Attachment 9.3**).
- 4.15 Any Councillor attending a conference or representing Council other than the LGNSW Conference or the National General Assembly for the Local Government Conference is required to submit a written report on the aspects of the conference or representation relevant to Council business and/or the local community. This report should be tabled at the first Council Meeting following the conference.
- 4.16 All expenses relating to a Councillor attending a conference other than the LGNSW Conference or the National General Assembly for the Local Government Conference will be costed to that Councillor’s set allocation outlined in clause 4.4.

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Part 4 - (Spouse and Partner Expenses)

- 4.17 Costs incurred by a Councillor on behalf of their spouse, partner or accompanying person will not be reimbursed by Council.

This includes attendance at official council functions that are of a formal and ceremonial nature, attendance at conferences, seminars and the like and peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

- 4.18 Councillors attending the LGNSW Conference will be responsible for the expenses of spouses, partners or accompanying persons.

Part 5 - (Reimbursement of Expenses – Travel (Non-conference related))

- 4.19 All travel by Councillors 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 amount for the current financial year is shown in the attached table (**Attachment 9.4**) and the Travel Expenses claim form (**Attachment 9.2**).

- 4.20 Travelling expenses for use of a private vehicle are paid in accordance with the Local Government Award by claim for:

4.20.1 Attendance at a meeting of the Council or any Committee of the Council including Management Committees.

4.20.2 Participation in a Council inspection within the area.

4.20.3 Undertaking business of the Council within or outside of the area in compliance with a resolution of the Council as a delegate or representative of Council.

- 4.21 Interstate travel must be approved by a meeting of Council prior to confirming any arrangements. When seeking approval from Council, the motion must outline the full details of the travel, including an itinerary and costs, as well as reason for the travel.

- 4.22 Overseas travel will not be funded by Council. A leave of absence must be given to the General Manager.

Part 6 - (Training and Educational Expenses)

- 4.23 Any Councillor wishing to undertake training must submit their request for training in writing to the Mayor and General Manager (**Attachment 9.1**).

- 4.24 It is essential where Council is paying for these courses that the training or educational course is directly related to the councillors civic functions and responsibilities. Approval to cover the cost of training will only be granted in line with Council's Training Policy and approval procedures (**Attachment 9.4**).

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- 4.25 An in-house Councillor training program will be at no cost to the Councillors (**Attachment 9.4**).
- 4.26 In line with the Department of Local Government *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009) Participation, Equity and Access* the following applies:
 - 4.26.1 Provision of appropriate resources to enable participation of a Councillor who has a vision or hearing impairment will be made on an individual needs basis.
 - 4.26.2 Consideration of the provision of appropriate support mechanisms for transportation for Councillors unable or unwilling to drive on an individual needs basis.

Part 7 - (Attendance at Dinners and other Non-Council Functions)

- 4.27 Approval for attendance at formal dinners and other non-council functions may only be granted when the function is relevant to the Council's interest. Approval for these functions should be sought in line with clauses 4.12, 4.13 & 4.14.
- 4.28 Once approval for attendance at the non-council function has been granted, only the cost of the service provided will be met. Reimbursements for any component of the ticket that is additional to the service cost of the function (such as a donation to a political party or candidate's electoral fund, or some other private benefit) will not be authorised. An additional payment to a registered charity may be acceptable only as part of the cost of the function.

Part 8 - (Provision of Facilities)

- 4.29 The Mayor will have both business and private use of the Mayoral Vehicle, which shall be of a style, standard and size appropriate for the position of Mayor, as well as a fuel card for exclusive use with the vehicle. Other nominated drivers will be named using the Nominated Drivers Form (**Attachment 9.6**). An incidental usage form can be obtained from the General Manager on request.
- 4.30 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in a private or a Council vehicle on Council business. This applies to the Mayor and all Councillors acting on behalf of Council.
- 4.31 The Mayor will be allocated a car-parking space outside the Council administration building.
- 4.32 The Mayor will be provided with an office facility, including a computer with email and internet access, telephone and secretarial support.
- 4.33 The Mayor and Councillors will be provided with mobile phones for official business of Council. All associated costs will be borne by Council. Personal use of the mobile phone will be charged as per Councils "Mobile Phone Procedure".
- 4.34 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

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- 4.35 All equipment provided to Councillors during their term of office must be returned at the end of that term, unless the Councillor is re-elected for the following term.
- 4.36 Councillors will be provided with refreshments prior to each Council Meeting, Community Forum and Scheduled Workshop. Refreshments will be provided in accordance with Council's catering procedures and allowances.
- 4.37 Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any other such loyalty schemes. 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.
- 4.38 An iPad with internet and email access, iPad cover and MFP printer will be provided to each Councillor for use in their civic duties subject to the provisions of this policy (**Attachments 9.4 and 9.5**).

Part 9 - (Use of Council Resources)

- 4.39 Councillors shall be scrupulously honest in their use of Council facilities, funds, staff services and equipment and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- 4.40 Councillors shall use Council resources entrusted to them effectively and economically in the course of the duties, and not otherwise.
- 4.41 Councillors shall not use Council resources (including the services of Council staff) for private purposes; unless properly authorised to do so, and appropriate payments are made (as determined by the General Manager or the Council).
- 4.42 Councillors shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Council.
- 4.44 In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Councils Gifts and Benefits Policy.

Part 10 – (Insurance Expenses and Obligations)

- 4.45 Councillors are to receive the benefit of insurance for:
 - 4.45.1 Personal injury whilst engaged in or on any activity directly or indirectly connected with or on behalf of Council including whilst travelling to and/or from such activity. Such injury being bodily injury caused by violent, accidental, external and visible means and including death, permanent disablement, temporary total disablement and temporary partial disablement, but not including medical expenses, subject to the conditions and limitations of Council's Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.

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- 4.45.2 For matters arising out of Councillors’ performance of civic duties or exercise of their function 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, subject to the conditions and limitations of Council’s Professional Indemnity Insurance policy current at the time of the notification to Council of a relevant claim, or matter which might give rise to a relevant claim.
- 4.45.3 For matters arising out of Councillors’ performance of civic duties or exercise of their functions as Councillors, subject to the conditions and limitations of Council’s Public Liability Insurance policy current at the time of the occurrence of the incident giving rise to a relevant claim.

Part 11 – (Legal Expenses and Obligations)

- 4.46 Council may 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.
- 4.47 In the particular circumstances outlined below, Council may therefore indemnify or reimburse the reasonable legal expenses for an inquiry, investigation or hearing into a Councillor’s conduct by an appropriate investigative or review body including:
- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
 - (ii) Independent Commission Against Corruption
 - (iii) Office of the NSW Ombudsman
 - (iv) Division of Local Government, Department of Premier and Cabinet
 - (v) NSW Police Force
 - (vi) Director of Public Prosecutions
 - (vii) Council’s Conduct Review Committee/Reviewer
- 4.47.1 A Councillor defending an action arising from the performance in good faith of a Councillors’ function under the Local Government Act; and
- (a) The matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.
 - (b) In the case of a conduct complaint made against a councillor, legal costs should only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
 - (c) In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

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In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor’s conduct, a finding by an investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor’s conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

- 4.48 Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.
- 4.49 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.
- 4.50 Council will not meet the costs in respect of any legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 4.51 A Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor, or to reimburse those costs, provided that the cost or reimbursements are ones that the Council is authorised to meet.
- 4.52 Council will meet the costs of a Councillor seeking advice in respect of Conflict of Interests declarations up to an amount of \$1000 per annum (**Attachment 9.4**).

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The designated finance officers are responsible for ensuring that reimbursement of expenses are forwarded to the Councillors in a timely manner, in line with Council procedure.
- 5.2 The Manager – Governance is responsible for co-ordinating the notification to the appropriate Council Officers of any increase in Councillor Remuneration as released by the Remuneration Tribunal. This includes:
 - 5.2.1 Notifying the Payroll Officer, Executive Director Community Services & Corporate Support and General Manager of the change.
 - 5.2.2 Submitting a report to Council as appropriate, outlining the change to the Policy.
 - 5.2.3 Notifying the Payroll Officer once the change has been approved by Council.
- 5.3 The payroll officer is responsible for ensuring that the correct pay rate is applied to each Councillor’s remuneration, in accordance with the instructions received in line with Guideline 5.2.3.
- 5.4 The General Manager and Mayor are responsible for the management of the Local Democracy Budget line items relating to the reimbursement of expenses for Councillors.

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6. RELATED POLICIES

- 6.1 Code of Conduct

7. RELATED PROCEDURES

- 7.1 Mobile Phone Procedure – TRIM 2365#14

8. RELATED LEGISLATION

- 8.1 *Section 23A of the Local Government Act 1993*
- 8.2 *Section 249 of the Local Government Act 1993*
- 8.3 *Section 250 of the Local Government Act 1993*
- 8.4 *Sections 252 & 252(5) of the Local Government Act 1993*
- 8.5 *Section 253 of the Local Government Act 1993*
- 8.6 *Section 254 of the Local Government Act 1993*
- 8.7 *Clause 403 of the Local Government (General) Regulation 2005*

9. ATTACHMENTS

9.1 Councillor Activity Forecast Form	12
9.2 Members Travel Expenses Claim Form	13
9.3 Reimbursement of Expenses Claim Form	14
9.4 Monetary Limits to Expenses	15
9.5 Available Facilities.....	16
9.6 Nominated Driver Form	17

10. RESOURCES

- 10.1 Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW – DLG October 2009
- 10.2 ICAC Publication – No excuse for misuse, preventing the misuse of Council resources. This publication is available on the ICAC website at www.icac.nsw.gov.au
- 10.3 OLG Circular 16-15 – 2016/17 Determination of the Local Government Remuneration Tribunal

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11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Policy placed in Policy Folder in Customer Service
- 11.1.2 Policy placed on Councils Website
- 11.1.3 Copy of Policy given to Councillors and incorporated into Councillor training
- 11.1.4 Copy of Policy sent to Department of Premier and Cabinet
- 11.1.5 Policy discussed at Staff Meetings.

12. POLICY HISTORY

12.1	Date First Adopted	25 September 2000
12.2	Most Recent Adoption	16 November 2015
12.3	Next Review Date	October 2016
12.4	Responsible Officer	Manager Governance

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339 DX: 26052 Picton
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

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ATTACHMENT 9.2



CLAIM FOR MEMBERS’ TRAVEL EXPENSES

COUNCILLOR: MONTH OF

ADDRESS:

TRAVELLING

DATE	DESCRIPTION OF MEETING	KILOMETRES TRAVELLED	ENGINE CAPACITY OF CAR (ie. > 2.5 ltr or <2.5 ltr)
TOTAL KILOMETRES			

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....
Signature of Claimant

.....
Signature of General Manager

One form should be submitted for each month and include all claimable travelling expenses. The meeting attendance book is to be signed for Council meetings only.

TRIM 526#76

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ATTACHMENT 9.3



Wollondilly
Shire Council

CLAIM FOR REIMBURSEMENT OF COUNCILLOR EXPENSES

COUNCILLOR: MONTH OF

ADDRESS:

EXPENSE

DATE	DESCRIPTION OF EXPENSE	Business Name and ABN No.	Cost
TOTAL			

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Councils Policy "Councillor Fees, Expenses and Facilities".

.....
Signature of Claimant

.....
Signature of General Manager

One form should be submitted for each month and include all claimable expenses and receipts. The receipt must include the Business Name and ABN of the provider.

TRIM 526#87

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ATTACHMENT 9.4

MONETARY LIMITS TO EXPENSES

Expense	Mayor	Deputy Mayor	Councillors
Indicative Annual Expense			
Conferences & Seminars	\$1,000	\$500	\$500
Local & Interstate Travel	\$2,000	\$1,000	\$1,000
* Mobile Phone & Internet Usage*	\$1680	\$1680	\$1680
** Carer	\$3000	\$3000	\$3000
In-house Training	N/A	N/A	N/A
Overseas Travel	N/A	N/A	N/A
Legal Expenses – Conflict of Interests	\$1,000	\$1,000	\$1,000

* \$140.00 is allocated for mobile and internet usage per month. \$100.00 may be reimbursed on request (as per clause 4.5 of this policy). \$40.00 Data Plan (iPad data) will be paid by Council and may not be claimed.

** \$3000.00 is allocated and is to be reviewed annually and adjusted to meet individual circumstances.

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ATTACHMENT 9.5

Equipment	Cost per Councillor	Mayor	Deputy Mayor	Councillors
Facilities Available/Not Available for Council business use				
iPad3 16GB 3G WIFI	\$1000	Available*	Available*	Available*
iPad Cover	\$100	Available*	Available*	Available*
MFP printer	\$800	Available*	Available*	Available*
3G Data Plan (4GB)	\$40 per month	Available*	Available*	Available*
Vehicle use		Available	Not Available	Not Available
Stationery, office supplies, postage, business cards & other similar consumables		Available	Available	Available
Ceremonial garb	N/A	Available*	Not Available	Not Available
Mobile phone (Blackberry)		Available*	Not Available	Not Available
Mobile Phone	N/A	N/A	Available*	Available*
Facilities				
Furnished mayoral office		Available		
Secretarial & administrative support		Available	Not Available	Not Available
Councillors Room		Available	Available	Available
Meals/refreshments related to council meetings, office functions and committee and work group meetings		Available	Available	Available
Disabled Access		Available	Available	Available
Hearing impaired		Available	Available	Available
Vision impaired	N/A	Not Applicable	Not Applicable	Not Applicable
Corporate clothing	N/A	Not Applicable	Not Applicable	Not Applicable

**Equipment remains the property of Council*

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ATTACHMENT 9.6



NOMINATED DRIVER AGREEMENT

MAYORAL VEHICLE

I
(Elected Mayor)

Of
(Residential Address)

Acknowledge that by virtue of my position as Mayor of Wollondilly Shire Council I have been given both business and incidental private use of a Council owned vehicle.

I have named the following nominated drivers as required:

Nominated Driver	Name	Address
Immediate Family Member/s		
Other Assigned Drivers		

1. I agree that I have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses & Facilities Policy.
2. I agree that nominated drivers have read and understand the conditions of use of the Mayoral Vehicle in accordance with the Councillor Fees, Expenses and Facilities Policy.

This agreement is to commence on ##### and will continue throughout my term as Mayor of Wollondilly Shire Council.

.....
(Mayor)

.....
(General Manager)

.....
(Date)

.....
(Date)

TRIM 111#53

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