

POLICY



CENTRAL TABLELANDS WATER

**COUNCILLOR
PAYMENT OF
EXPENSES
AND
PROVISION
OF
FACILITIES
POLICY**

DOCUMENT CONTROL

Document Title		Councillor Payment of Expenses and Provision of Facilities Policy			
Policy Number		CTW-PR032			
Responsible Officer		Director Finance and Corporate Services			
Reviewed by		General Manager and Director Finance & Corporate Services			
Date Adopted					
Adopted by		Council			
Review Due Date					
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Previous Versions	Date	Description of Amendments	Author	Review/ Sign Off	Minute No: (if relevant)
1	12/10/16				16/079
2	10/06/22	Review and update of policy in accordance with S252 & S253 of the Local Government Act 1993.			22/045

Purpose

- To provide reasonable reimbursement of expenses incurred by councillors when conducting approved Council business.
- To provide reasonable facilities to councillors in the carrying out of their duties as councillors of Central Tablelands Water.
- To ensure accountability and transparency in the reimbursement of expenses and provision of facilities to councillors.

Reporting Requirements

As part of Central Tablelands Water's Annual Report the following will be reported upon:

- Total amount spent on the provision of dedicated office equipment allocated to councillors;
- Total amount spent on telephone calls made by councillors;
- Total amount spent on the attendance of councillors at conferences and seminars;
- Total amount spent on training of councillors and provision of skill development;
- Total amount spent on interstate visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses;
- Total amount spent on overseas visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses;
- Total amount spent on the expenses of any spouse, partner or other person who accompanied a councillor, being expenses payable in accordance with the Guidelines, and
- Total amount spent on the expenses involved in the provision of care for a child or an immediate family member of a councillor.

Legislative Provisions

Section 252 Local Government Act 1993 – Central Tablelands Water must adopt/review its policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the chairperson and councillors in relation to discharging the functions of civic office within 12 months of each Local Government Election

Section 253 Local Government Act 1993 – Central Tablelands Water must:

- (1) Give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), Central Tablelands Water need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if it is of the opinion that the proposed amendment is not substantial.

Section 254 Local Government Act 1993 - Consideration of Policy must not be closed to public.

Section 23A Local Government Act 1993 – The Departmental Chief Executive of the Office of Local Government may from time to time prepare, adopt or vary guidelines relating to the exercise by a council of any of its functions.

Clause 217(1(a)) Local Government (General) Regulation 2021 – Central Tablelands Water must include in its annual report, details of overseas visits undertaken by councillors, Central Tablelands Water staff or other persons while representing Central Tablelands Water.

Clause 217(1(a1)) Local Government (General) Regulation 2021 – Central Tablelands Water must include in its annual report, the total cost during the year of the payment of expenses and the provision of facilities to the chairperson and councillors.

Section 18 Government Information (Public Access) Act 2009 – The Policy is required to be made publicly available.

Expenses:

- (a) Council pay councillors an annual fee based on the maximum fee as determined by the Local Government Remuneration Tribunal and superannuation at the rate as determined by the Superannuation Guarantee Act;

In addition to the annual fee including superannuation, Council reimburse actual expenses incurred to any councillor who:

- ii. attends a meeting of any committee of Council,
 - iii. attends an inspection within the area in compliance with a resolution of the Council,
- (b) undertakes business of the Council outside of the area in compliance with a resolution of Council.
- (c) Council recompense councillors for travelling expenses at the rates per kilometre allowed at the time by the Australian Taxation Office (ATO) for all travelling associated with attendance at Council meetings or other business as specified in (b) above.
- (d) Council allow councillors any reasonable use of facilities to assist in their carrying out of business on behalf of the Council, such use being entirely at the discretion of the General Manager.

Facilities:

Councillors are provided with access and use of the following to discharge their official duties:

- a. Access to a room suitably furnished for use by all councillors;
- b. Use of CTW's photocopier, telephones, computers, and associated equipment in the course of undertaking official business;

- c. Secretarial services for Council business as required;
 - d. Identification badge bearing Council's crest;
 - e. Payment of conference/seminar/workshop registration fees for attendance authorised by Council;
 - f. Arrangement and payment of travel in respect of Council commitments, and
 - g. Council approved clothing for use on Council business as determined by the General Manager.
3. Sustenance by way of food and drink will be provided to all councillors in conjunction with Council/Committee meetings and other functions/meetings as appropriate.
4. Expenses incurred whilst on approved travel outside the Council area will attract reimbursement according to the following guidelines:
- a. Meals – where meals are not provided, the total cost for meals should not exceed \$150.00 per day;
 - b. Accommodation – where travel involves an overnight stay away from home the acceptable maximum expenditure on accommodation is:
 - i. metropolitan areas - \$380.00 per night
 - ii. country areas - \$250.00 per nightprovided that all accommodation is approved prior to travelling, where practicable.
 - c. Other expenditure items:
 - i. taxis, trains and other transport – actual transport costs necessarily incurred will be met. Hire cars are only to be used if prior approval has been granted by the General Manager.
 - ii. Entertainment by way of food or drink – these costs would not normally be reimbursable.
 - iii. Other costs – all costs necessarily incurred will be met. Receipts or other evidence of actual payment should be produced when seeking reimbursement.

Council will where possible pay all expenses by purchase order (PO) or corporate credit card. Cash advances will not be provided for expenses but will be reimbursed based on actual expenses incurred. This includes all out of pocket expenses incurred whilst on council business. Any reimbursement claimed will be paid upon receipt of the supporting receipts and documentation.

The costs of accompanying persons travelling with a councillor on approved Council business will not be met by Council. The apportionment of those costs when costs are bundled together (eg: a single accommodation cost) will be on a basis that is considered fair and equitable by the General Manager.

5. Special Requirements and Carer Expenses

Council will reimburse pay up to 50% of the net (gross fees less government subsidies and rebates) for child care required for children up to the age of 16 of a councillor whilst undertaking official Council duties and where the carer is not a relative. Documentation in the form of receipts and invoices should be submitted to support the claim.

Where a councillor is caring for an adult, councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Council encourages wide participation and interest in the duties of civic office and will seek to ensure that premises and facilities where business is conducted, have regard for sight and hearing impaired councillors and those with other disabilities.

6. Legal Assistance

6.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act;
- 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;
- a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.

6.2. In the case of a conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

6.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of their functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done

during their term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

6.4. Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances;
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation, or
- for legal proceedings that do not involve a councillor performing their role as a councillor.

6.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of resolution of Council.

7. All claims for reimbursement of expenses incurred are to be submitted on the standard claim form. Claims must be made within 3 months from the time expenses are incurred.

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