

**POLICY NAME:** (DRAFT REVIEW)  
COUNCILLOR EXPENSES AND FACILITIES

**POLICY REF:** C04

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Ballina Shire Council

(DRAFT REVIEW) Councillor Expenses & Facilities Policy

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### PART 1 - INTRODUCTION

#### OBJECTIVE

The objective of this policy is to ensure that there is accountability and transparency in the reimbursement of reasonable and appropriate expenses incurred or to be incurred by Councillors in the performance of their role.

The policy also ensures that a range of facilities are provided to Councillors to assist in discharging the function of civic office.

#### BACKGROUND

In accordance with the Local Government Act (LGA s.252) a council is required to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Councillors in relation to their roles as elected persons and members of the governing body of the Council. This policy complies with the LGA.

The LGA (s.428(2)(f)) requires councils to include in their annual report a copy of this policy. This information must be submitted to the Department of Local Government by 30 November each year.

#### DEFINITIONS

In the Councillor Expenses and Facilities Policy the following definitions apply:

<b>Council</b>	Ballina Shire Council
<b>Policy</b>	Councillor Expenses & Facilities Policy
<b>LGA</b>	Local Government Act 1993 (NSW)
<b>ATO</b>	Australian Taxation Office
<b>DLG</b>	Division of Local Government
<b>Region</b>	The region encompasses the Richmond, Tweed and Clarence Valleys (i.e. Kyogle, Tweed, Byron, Lismore, Ballina, Richmond and Clarence council areas)

#### SCOPE OF POLICY

The Councillor Expenses and Facilities Policy applies to Councillors.

#### RELATED DOCUMENTATION

This policy has been prepared with reference to the following publications:

- Council's Code of Conduct

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- DLG Code of Conduct – Administrative Procedures
- Council's Councillor Training and Development Policy
- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2005
- DLG Circulars:
  - 08/62 Councillor Induction and Professional Development Guide
  - 08/24 Misuse of Council Resources
  - 09/36 DLG Revised Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors for Local Councils in NSW (October 2009)
  - 11-27 Findings from the Review of Councillor Expenses and Facilities Policy
- ICAC Publication - No Excuse for Misuse, preventing the misuse of Council resources

As a minimum this Policy should be read in conjunction with

- Council's Code of Conduct
- Council's Councillor Training and Development Policy

### **APPROVAL ARRANGEMENTS**

The General Manager, in consultation with the Mayor, is responsible for authorising the payment of expenses or the provision of facilities in accordance with this policy. In the case of the Mayor's expenses, authorisation shall be provided by the General Manager and one other Councillor. If agreement cannot be reached on any particular matter the matter will be reported to Council for determination.

### **PART 2 - PAYMENT OF EXPENSES**

#### **2.1 GENERAL PROVISIONS**

##### **2.1.1 Payment of Expenses Generally**

Councillors must provide a certified claim in the form provided by the General Manager for all travel and out of pocket expenses incurred.

Payment will only be made for expenses covered under this policy that are accompanied by appropriate tax invoices and receipts. To ensure claims are submitted promptly and accurately any claims submitted in excess of three months of the time of expenditure will not be approved.

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### 2.1.2 Establishment of Monetary Limits and Standards

The following limits will apply in the operation of this policy:

#### ***Accommodation and Meals***

The maximum payable for accommodation and meals will be the maximum reasonable travel and meal expense amounts determined by the ATO (refer Taxation Determination TD 2013/16). The current rates are:

<i>Place</i>	<i>Accommodation \$</i>	<i>Food and Drink (1) \$</i>	<i>Incidentals \$</i>	<i>Total \$</i>
Adelaide	209.00	140.65	26.05	375.70
Brisbane	252.00	140.65	26.05	418.70
Canberra	246.00	140.65	26.05	412.70
Darwin	284.00	140.65	26.05	450.70
Hobart	195.00	140.65	26.05	361.70
Melbourne	265.00	140.65	26.05	431.70
Perth	326.00	140.65	26.05	492.70
Sydney	265.00	140.65	26.05	431.70
Country	190.00	140.65	26.05	356.70

(1) This figure is dissected between - breakfast \$32.00, lunch \$45.25, dinner \$63.40. Over-expenditure for one meal can be offset by under-expenditure for another.

#### ***Travel***

The reimbursement rate for use of a Councillors' vehicle shall be in accordance with the rates issued by the ATO each year using the cents per kilometre method. The current rates are:

63 cents per km	vehicle capacity up to 1600cc
74 cents per km	vehicle capacity 1601 – 2600 cc
75 cents per km	vehicle capacity over 2601 cc

This reimbursement will be considered to cover all costs associated with the vehicle use, including tyres, insurance, repairs, petrol, oil and associated incidental costs.

#### ***Telephone and Tablets***

Councillors will be reimbursed for Council related telecommunication charges (ie landline, mobile phone, internet etc) up to a maximum figure of \$80 per calendar month (with the line rental and connection charges to be provided as additional reimbursements), upon receipt of a copy of the tax invoice(s) and a declaration by that Councillor that the amount claimed relates to Council related activities.

If the cost of calls made from a Council provided phone are less than \$5 for any one month, that cost will **not** be deducted from the Councillor's allowance as the administrative cost of deducting that charge more than offsets the return to Council.

Where Council provides a telephone service to Councillors, that number will be available for publication in Council documents and media.

Any excess data charges incurred on smart phones or tablets shall be deducted from a councillor's allowance.

### 2.2 SPECIFIC PROVISIONS FOR MAYORS AND COUNCILLORS

#### 2.2.1 Travel Arrangements

Councillors will receive reimbursement for the cost of using their private vehicle for travelling in accordance with rates set by the ATO (refer 2.1.2), for attendance at:

- Meetings of Council
- Meetings of committees of Council (whether a committee member or not)
- Council inspections
- Council business
- Civic functions where representing the Mayor
- Meetings with Council staff within the shire
- Meetings at the Council Chambers with constituents and
- Other approved functions

The General Manager, in consultation with the Mayor, shall prepare a weekly list of approved meetings / events / functions for which travel by Councillors shall be reimbursed. This travel will not be subject to the \$5,000 (excl GST) limit as per clause 2.2.2.

Councillors who wish an event to be included on this list should forward details to the General Manager a minimum of one week in advance.

#### 2.2.2 Councillor Training and Development

The General Manager and / or Mayor will approve attendance by Councillors at training and development activities, such as seminars, conferences and other meetings not approved under clause 2.2.1, subject to an annual allowance of \$5,000, exclusive of GST.

The exception to this is the Mayor who is not subject to the \$5,000 limit, however travel outside the region, must be reported to Council at the next available Ordinary Meeting.

The class of air travel to be used by a Councillor will be economy travel for journeys not exceeding five hours, and business class for continuous journeys (not including overnight stopovers) in excess of five hours.

Personal Frequent Flyer membership is not to be linked to Council travel in accordance with recommendations from ICAC publications.

Should a Councillor elect to use their vehicle to undertake such travel, or to travel via a non-direct route, travel expenses will be paid equivalent to the most cost effective airfare, available at that time, to the destination or payment at the ATO rate per kilometre, whichever is the lower (refer 2.1.2).

Council will pay actual costs of overnight accommodation and the costs of all meals where those meals are not provided as part of the meeting, conference, seminar or engagement fee, subject to the limits identified within this policy (refer 2.1.2 and 2.2.2).

### 2.2.3 Attendance at Functions and Events not organised by Council

To assist the Mayor in undertaking his / her responsibilities Council will provide reimbursement of travel and entrance expenses where the Mayor is invited, in his / her official capacity as Mayor, to attend functions and events that are not organised by Council. For a function / event to be approved the Mayor must be invited to attend in his / her official capacity as Mayor.

A Councillor, invited by the Mayor to attend an event on behalf of the Mayor, will also be eligible for reimbursement of travel and entrance expenses.

Approval will only be provided for events within the region.

Consideration will be also given to meeting the cost of Councillors' attending, including travel and entrance fees, at non-Council functions / events etc which provide briefings to Councillors from key members of the community, politicians and business organisations. Approval to meet these expenses will only be given when the function / event is relevant to Council's interest and attendance at the function is open to all Councillors. Any approvals provided will be circulated weekly to Councillors.

Attendance at these activities will not be subject to the expenditure limits identified in clause 2.2.2.

### 2.2.4 Spouse and Partner Expenses

Where the Mayor and / or Councillor is required to attend a function / event etc on behalf of Council, and the nature of the function is such that the person's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, eg ticket, meal and or direct cost of attending the function.

If a service is shared between a Councillor and spouse / partner, the expense associated with that service will be reimbursed as long as the expense did not increase due to the attendance of the spouse / partner. An example of this may be accommodation where the cost of the room is the same with or without the attendance of the spouse / partner.

### 2.2.5 Training and Development Allocation

Council will make an annual allocation within the budget for training and development expenses for Councillors. This allocation will be treated as a lump sum figure able to

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be accessed by all Councillors. There will not be a specific allocation per Councillor, subject to the limitations in clause 2.2.2

Approved training and development programs must be consistent with Council's Councillor Training and Development Policy. Refer to that policy for further details.

Reimbursement of expenses relating to a Councillor's attendance at training and education programs will be made in accordance with the provisions of this policy.

### 2.2.6 Telephone costs and expenses

Each Councillor shall be entitled to:

- Payment of monthly rental of a Council approved telephone line
- Call charges up to the monthly limit as determined within this policy (refer 2.1.2).

### 2.2.7 Carer and other related expenses

#### a) Councillor as a carer

Where a Councillor has to act as a primary carer Council will reimburse any reasonable costs incurred for alternative carer arrangements required whilst that Councillor is attending a Council approved activity (ie meeting, training, event etc). This includes items such as child care expenses and costs related to the care of the elderly, disabled and/or sick immediate family members.

#### b) Councillor requiring care

Where a Councillor requires a primary carer, Council will reimburse any reasonable costs related to that primary carer, incurred whilst that Councillor is attending a Council approved activity (ie meeting, training, event etc), where the reimbursed costs would not normally have been incurred except due to the Councillor's attendance at that activity. This includes items such as travel, meals or carer wages, where those wages would not normally have been incurred.

### 2.2.8 Miscellaneous Expenses

Each Councillor is entitled to have one Northern Star newspaper delivered to their home each day or made available at a mutually convenient point should a home delivery service not be available.

### 2.2.9 Insurance expenses and obligations

As a minimum Council will provide the following insurance cover in respect to Councillors for matters arising out of Councillors' performance of their civic duties and / or exercise of their Council functions:

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- Public liability (covers councillors for negligence arising from day to day Council activities)
- Professional Indemnity (covers Councillors for errors and omissions relating to their Council activities)
- Personal Accident (covers Councillors and partners for bodily injury whilst travelling to and from any local government activity or business)
- Councillors and Officers (covers Councillors for any civil claims arising out of their normal actions as a Councillor)
- Statutory Liability (covers Councillors for their liability to pay fines which may arise out of innocent breaches of the many Acts which control Council's operations)

All these insurances are subject to the limitations and conditions set out in each respective policy.

### 2.2.10 Legal expenses and obligations

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are to 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.

Council may disburse money only if the disbursement is authorised by the Local Government Act 1993. Therefore, if a Councillor has a legal matter that they believe merits assistance, then that matter is to be reported to Council for determination.

In considering such a matter Council will be guided by the contents of Department of Local Government circular 05/08 *"Legal assistance for councillors and council employees"*.

### 2.2.11 Representation on Joint Regional Planning Panel

Council will pay the NSW Department of Planning's maximum recommended fee per meeting for Councillor representation on the Northern Region – Joint Regional Planning Panel (currently \$600 per meeting).

### 2.2.12 Use of Staff Resources to Assist Councillors at their Private Residence

The General Manager is entitled to authorise Council staff to attend a Councillor's residence to assist in resolving a Council related matter. However this approval can only be given in the following circumstances:

- The Councillor must declare that the matter is directly related to Council business; and



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- It has been assessed by the General Manager that the issue can be resolved relatively quickly; and
- There will be no additional expense incurred by Council in providing that assistance; and
- The work environment must be considered safe from an occupational health and safety perspective; and
- The General Manager is of the opinion that the use of the Council staff resource is the quickest and most effective method to resolve the matter.

### 2.3 ADDITIONAL MAYORAL EXPENSES

The Mayor is not entitled to the reimbursement of any additional expenses, other than being able to undertake certain levels of travel and attendance at seminars, conferences, training courses and meetings, without prior approval, as per clause 2.2.

## PART 3 - PROVISION OF FACILITIES

### 3.1 GENERAL PROVISIONS

#### 3.1.1 Provision of Facilities Generally

Facilities provided to the Mayor and Councillors will generally relate to telecommunications to ensure that all Councillors are readily accessible to the community and Council.

#### 3.1.2 Private use of Equipment and Facilities

In accordance with Council's Code of Conduct, any resources provided, under this policy, or otherwise, shall not be used for private purposes. Nor shall such resources be used for political purposes, i.e. Council elections and the like.

### 3.2 PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

#### 3.2.1 Telecommunications and Auxilliary Equipment

Each Councillor shall be entitled to:

- Provision of a smart phone (1GB limit per month) including a suitable hands free device for the Councillor's private vehicle (one only)
- Provision of tablet technology (ie IPAD or similar with a 3GB limit per month)
- Installation of one home telephone line
- Provision of a laser multi-function centre device that allows scanning, copying, printing, telephone and answering machine (excluding facsimile) along with consumables such as cartridges and paper for printing.

The above equipment will be provided to a standard as determined by the General Manager in accordance with Council approved budgets and the communication needs of Council. Internet services, in accordance with the Council's corporate internet service provider plan, will be available to Councillors through the provision of the Council supplied smart phone and/or tablet computer.

### 3.2.2 Miscellaneous Items

Miscellaneous items each Councillor may receive are:

- Council business cards up to a maximum of 500 per annum
- Support of the General Manager's Personal Assistant on an as-available basis
- Access to a shared office space within the Council Chambers, including availability of photocopier, telephone, facsimile machine etc during Council office hours
- A Council name badge
- A Council blazer
- Standard stationery items on an as required basis

### 3.3 PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR

In recognition of the duties and responsibilities undertaken by the Mayor, Council will provide the following additional equipment and facilities:

#### 3.3.1 Office Space and Support

Council will provide the Mayor with a dedicated office along with all support services such as phone, facsimile and consumables. The Mayor will also have access to the General Manager's Personal Assistant for secretarial services.

#### 3.3.2 Motor Vehicle

Council will provide the Mayor with a Council motor vehicle for Council 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.*

The maximum standard of the motor vehicle will be that of a Holden Statesman, Ford Fairlane, or equivalent.

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### **3.3.3 Telecommunications**

Council will provide the Mayor an additional home telephone line, and rental thereon, if requested.

### **3.3.4 Qantas Club Membership**

Council will provide the Mayor with an annual Qantas Club Membership.

### **3.3.5 Car Park**

Council will provide the Mayor with a dedicated car park at the Council Customer Service Centre.

## **PART 4 - OTHER MATTERS**

### **4.1 ACQUISITION AND RETURNING OF FACILITIES & EQUIPMENT BY COUNCILLORS**

All items provided to Councillors in accordance with the policy shall remain the property of Council. Items shall be returned to Council:

- Upon request of the General Manager for repair, replacement, maintenance or upgrade
- Immediately upon the Councillor ceasing to hold office for any reason.

Items will be replaced when uneconomical to repair, or in accordance with any Council policy or resolution from time to time.

### **4.2 COUNCILLORS CONTRIBUTING INTO SUPERANNUATION**

In accordance with the ATO 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.

## **PART 5 - REVIEW**

The LGA (s.252) requires Council to review this policy within five months of the end of each financial year.