



1.02 - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

PART 1 – INTRODUCTION

This policy is made under the *Local Government Act 1993* (NSW) (NI), including Sections 252 to 254. The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.

1.1 Purpose of Policy

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

1.2 Objectives and coverage of the Policy

The policy provisions are aimed at being non-discriminating and will be used in an equitable manner to enable the full participation of all Councillors.

The policy provisions are at a level to encourage members of the community to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.

The policy will ensure accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.

1.3 Making and adoption of the Policy

This policy is made under the *Local Government Act 1993* (NSW) (NI), including Sections 252 to 254.

Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and the other Councillors in relation to discharging the functions of civic office.

Council must 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.

The Council must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

1.4 Reporting Requirements

Councils will include in the Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors;
- The total amount of money expended during the year on providing those facilities and paying those expenses;
- Additional information as required by clause 217 of the *Local Government (General) Regulation 2005 (NSW) (NI)*, including:
 - The cost of the provision of dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the Councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls.
 - The cost of phone calls including mobiles, home located landlines, facsimile and internet services.
 - Spouse/ partner/ accompanying person expenses.
 - Conference and seminar expenses.
 - Training and skill development expenses.
 - Interstate travel expenses (including subsistence and out-of-pocket expenses).
 - Overseas travel expenses (including subsistence and out-of-pocket expenses).
 - Care and other related expenses (of dependants to enable a Councillor to undertake his or her civic functions).

1.5 Legislative provisions

Section 252 of the *Local Government Act 1993 (NSW) (NI)* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to Mayors and other Councillors. Mayors and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

PART 2 - PAYMENT OF EXPENSES

2.1 Payment of expenses generally (principles and processes)

Councillors must provide a certified claim form on the form provided for all travel and out of pocket expenses incurred

Payment will only be made for:

- Expenses covered under this policy; and
- Items accompanied by appropriate tax invoice receipts where available.
- Incidental expenses may not require specific receipts provided it can be demonstrated that the expenditure was incurred and is not of a general nature.

To ensure claims are submitted promptly and accurately any claims submitted in excess of three (3) months of the time of the expenditure will not be approved.

2.2 No general expense allowance

In accordance with clause 403 of the *Local Government (General) Regulation 2005 (NSW) (NI)* the Councillors and expenses policy must not include provision for a general expense allowance. A general expense allowance is a sum of money paid by a 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.

Accordingly, this policy does not include a general expense allowance.

2.3 Monetary limits for all expenses

To ensure an equitable and reasonable distribution of available resources the following limits will apply to the operation of this policy. For the year 2019/20 these limits will be as follows:

- Reimbursement of expenses associated with attendance at approved conferences will be at economy airfare.
- A limit of \$70.00 will apply for any one meal, or where more than one meal is involved a daily limit of \$150.00 will apply.
- Miscellaneous expenses will be limited to \$110.00 per day, with the Mayor and General Manager being able to authorise up to an additional \$50.00 per day.
- Accommodation costs will be limited to a maximum of \$370.00 per night in Capital City locations and \$250.00 per night in other locations.
- Childcare costs will be limited to a maximum of \$60.00 per day per child.
- A limit of \$50.00 per month will apply to the use of the mobile phone provided to the Mayor.
- A limit of \$40.00 per month will apply for costs associated with internet access for Councillors.
- A limit of \$100.00 per year will apply for costs associated with a home office used for civic duties.

2.4 No private benefit unless payment made

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. 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 back to Council.

2.5 No use of Council resources for political purposes

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

2.6 Gifts and benefits to be of token value

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), the gifts and benefits should be of token value. Token Gift or Benefit will be one where the value is taken to be less than \$50.00.

2.7 Participation, equity and access

The policy aims to be non-discriminatory, equitable and encourage participation on Council of people from diverse backgrounds that represent the demographics of the local community. In this direction provision is made to provide assistance with childcare and the principle of the payment of carer arrangements for the care of the elderly, disabled and/or sick immediate family members of Councillors, but this be limited to circumstances where the Councillor is the primary care provider.

2.8 Approval and dispute resolution processes

Approval for discretionary trips and attendance at conferences will generally be approved by Council. Where this is not possible approval may be granted by the Mayor and General Manager. Such approval will be reported to the next meeting of Council. If the Mayor requires approval to travel outside of Council meetings, approval would be granted by the Deputy Mayor and General Manager. If the two parties cannot reach agreement on any particular matter the matter will be reported to Council for determination.

2.9 Reimbursement and reconciliation of expenses processes

Claims for reimbursement of expenses are to be submitted on the Councillor Fees and Expenses Form at the Ordinary Meeting of Council each month. All claims for reimbursement are to be supported by receipts. Statutory Declarations may be submitted where receipts have not been issued, or other arrangements made in consultation with the General Manager in exceptional circumstances.

2.10 Payment in advance process

Council will pay registration fees, accommodation deposits and airline tickets direct in advance.

A cash advance for 'out-of-pocket' expenses may be paid to an attendee upon request subject to reconciliation statement together with a refund of any unexpended amount being submitted within ten (10) days of the close of the conference, seminar or function. However, it is preferred to reimburse expenses on receipts rather than cash advances to save on administration cost.

2.11 Attendance at Seminars and Conferences

Councillors may be nominated to attend conferences, seminars and similar by:

- The Council, through resolution duly taken;
- The Mayor and General Manager acting under delegated authority and subject to due budget requirements being adhered to.

This shall not preclude the Mayor from nominating a substitute attendee for functions on those occasions where the Mayor is unable to be in attendance.

The conferences and seminars to which this policy applies are:

- NSW Local Government Annual Conferences.
- Special 'one-off' Conferences called by the NSW Local Government Association, or other relevant Association.
- Annual Conferences and Congresses of the major industry associations and professions in Local Government.
- Annual National Roads Conference.
- Seminars which further the training and development efforts of the Council, and within the budget framework.
- Festival of Pacific Arts (every 4 years).

The Council will pay all normal registration costs which are charged by organisers, including those relating to official luncheons, dinners and tours which are relevant to the interests of the Council as well as travelling, accommodation, sustenance and other expenses.

The General Manger or delegate will accompany the Mayor or Delegate to nominated seminars/conferences and this Policy will apply in terms of section 2.3 "Monetary limits for all expenses" for the expenses related to the General Manager or delegate.

2.12 Training and Education

Council will make an annual allocation within the budget for training and educational expenses for Councillors. This allocation will be treated as a lump sum figure able to be accessed by all Councillors. There will not be a specific allocation per Councillor.

Where Council is paying these expenses the training and education must be directly related to the Councillor's civic functions and responsibilities. Approval of training must be authorised by Council or by determination of both the Mayor and General Manager.

2.13 Local travel arrangements and expenses

Council will meet the cost of Councillors using their private vehicles to attend Council meetings, Committee meetings and other authorised business. Reimbursement will be made to and from Councillors usual place of residence to the meeting venue. The rate of reimbursement shall be aligned to the kilometre amount specified in the Australian Taxation rules per kilometre. This rate for 2019-2020 is 68 cents/km.

2.14 Travel outside Norfolk Island, accommodation and incidental expenses

1) Travelling Expenses

All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train on the mainland. Where trains are used the Council will provide first class travel.

Costs of vehicle hire, parking station fees and or taxi fares which are reasonably incurred while attending conferences or Council business will be reimbursed by the Council.

Councillors (the driver) are personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

2) Accommodation

Payment of accommodation costs will be made on the following basis:

- a) Accommodation for conferences, Council business, training and seminars etc, will be selected by Council on the basis of cost and convenience of location to the venue. A Councillor may choose accommodation at a different location, but which is at the same cost or less.
- b) The number of accommodation days provided under this policy will include all official days of the conference / seminar and the days necessary to travel and return home.
- c) Any additional accommodation costs incurred as a result of attendance of partners and / or children shall be borne by the Councillor.
- d) Service providers will be paid directly by Council. Where a Councillor has arranged their own accommodation and paid for it, prior approval for the amount to be reimbursed is required from the Mayor and General Manager in order for reimbursement to be made, and this will be made on production of receipts.
- e) Council will meet the accommodation costs of Councillors where it is necessary to stay overnight in order to attend authorised Council functions. These could include meetings, delegations or functions on the mainland.

3) Sustenance

- a) Whenever a Councillor is attending to Council business spanning normal meal times the cost shall be met by Council or reimbursed by Council based on actual cost subject to the limit of such reimbursement in respect of any one meal being \$70.00.
- b) Wherever possible, the cost of meals is to be incorporated with the accommodation otherwise reimbursement of actual cost will be paid upon the production of receipts subject to a daily limit of \$150.00.
- c) The cost of refreshments during meals shall be reimbursed and incorporated in the meal costs.
- d) Whenever a Councillor is attending a Council or Committee meeting spanning normal meal times, Council will provide an appropriate meal within the Council Chambers.

4) Other Expenses

Miscellaneous expenses responsibly incurred by Councillors in the exercise of their civic duties shall be met by Council. These may include bus fares, taxi fares, telephone calls etc but shall be limited to \$110.00 per day in respect of taxi/bus fares on production of receipts.

The Mayor and General Manager (the Deputy Mayor in relation to the General Manager) may approve additional expenditure if it can be established that the expenditure was necessary for the conduct of the Councillors' civic/business duties.

Sections 2.14 1), 2), 3) and 4) also apply to the General Manager or delegate.

2.15 Care and other related expenses

Council adopts the principle of the payment of childcare expenses for children up to and including the age of 16 years, to enable a Councillor to attend to their civic duties. However, child care will only be available to enable the Councillor's attendance at Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the Mayor and General Manager. Upon approval, Council will reimburse actual expenses incurred by Councillors in this regard upon submission of a claim supported by receipts and details of the activity attended.

Council also adopts the principle of the payment of carer arrangements for the care of the elderly, disabled and/or sick immediate family members of Councillors, but this be limited to circumstances where the Councillor is the primary care provider.

2.16 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

- Councillors and Officers Liability;
- Personal Accident;
- Public Liability – Professional Indemnity.

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

2.17 Telecommunications/internet

Councillors will be entitled to a contribution of \$40.00 of the monthly costs for appropriate internet access.

2.18 Legal expenses and obligations

- 1) Councillors are to receive the benefit of coverage effected by Council for Legal Services in the event of:
 - (a) An enquiry, investigation or hearing by any of the following:
 - The House of Representatives or the Senate of the Commonwealth of Australia or any parliamentary committee thereof;
 - The Commonwealth Grants Commission;
 - Any Commission of Inquiry under the Royal Commissions Act 1902 (CTH);
 - Office of the Commonwealth of Australia Ombudsman and/or any other Ombudsman having jurisdiction in regard to Norfolk Island;
 - Division of Local Government and Territories, Department of Infrastructure and Regional Development (DIRD) and/or any other Commonwealth of Australia government department or agency having responsibility from time to time for the administration of Australian territories or territories under the authority of Australia;
 - The Australian Federal Police and/or the Norfolk Island Police Force and/or any law enforcement agency having investigative power and jurisdiction in regard to Norfolk Island (where the Councillor has acted in good faith and without any proven misconduct or proven misfeasance in public office or is only required as a witness);
 - The Norfolk Island Director of Public Prosecutions / Crown Counsel of Norfolk Island and/or the Commonwealth Director of Public Prosecutions and/or any Public Prosecutions authority having legal jurisdiction in regard to Norfolk Island;
 - The Administrative Appeals Tribunal of Australia (AATA), the Administrative Review Tribunal of Norfolk Island (ART), the Australian Information Commissioner, any Commissioner having jurisdiction in regard to the Commonwealth Public Service and/or the Public Service of Norfolk Island; the Federal Circuit Court of Australia, the Federal Court of Australia; the High Court of Australia in regard to any litigation requiring evidence from any Councillor in regard to the Councillor's exercise in good faith of any functions or duties as a Councillor;
 - Any Federal or Norfolk Island statutory tribunal or disciplinary body or agency or office established at any time for the purpose of dealing with Pecuniary Interest and Disciplinary complaints or concerns arising out of or in relation to the alleged conduct of a Councillor; or
 - (b) Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's exercise in good faith of his or her functions as a Councillor.

Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a Solicitor/client basis, provided that:

(i) Approval of the General Manager is sought and gained prior to legal expenses being incurred.

(ii) The outcome of the legal proceedings is favourable to the Councillor or where an investigator or review body makes a finding that is not substantially unfavourable to the Councillor.

(iii) 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.

(iv) The Councillors' exercise of his or her function, was in the opinion of Council bona fide and/or proper; and as a Councillor.

(v) The amount of legal expense reimbursement shall be paid at a rate equivalent to the average hourly partner rate charged by Council's Local Solicitors.

2) Notwithstanding any other provisions of this Clause the following costs cannot be the subject of reimbursement:

- (a) The costs of any action in defamation taken by a Councillor as plaintiff in any circumstances;
- (b) The costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- (c) Legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- (d) Legal costs of legal proceedings initiated by a Councillor.

2.19 Spouse and partner expenses

Council will meet the reasonable costs of Councillor's spouses and partners or an accompanying person for the following:

- Attendance at official Council functions on Norfolk Island. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend. Expenses are to be confined to the ticket, meal and other direct costs of attending the function.
- Attendance at the National Congress annual conference. Costs are to be limited to registration and the official conference dinner.
- Travel expenses, any additional accommodation expenses and other costs would be the personal responsibility of the individual Councillors.

This clause shall be specifically authorised by Council or by determination of the Mayor and General Manager provided that such approval is to be given prior to the function and not subsequent to it.

2.20 Disputes

If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.

If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

ADDITIONAL MAYORAL EXPENSES

2.21 The Mayor is not entitled to the reimbursement of any additional costs other than those outlined for all Councillors.

PART 3 – PROVISION OF FACILITIES

3.1 General Provisions

Facilities provided to Mayors and Councillors will generally relate to telecommunications to ensure that they may be contactable by other means than through the post.

3.2 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.

3.3 PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

All Councillors

- a) Council may provide stationery items to Councillors for use on Council business including notepaper, pens, business cards, folders, name badges, diaries, etc.
- b) Councillors are entitled to utilise office space as allocated, office support services for their civic duties including use of computer and telephones, and the chamber/committee room for meetings related to their civic duties.
- c) Councillors are entitled to be provided with an I-Pad for civic duties should they so elect.
- d) Council may provide Councillors with manuals and reference material in order to carry out their responsibilities.
- e) A scarf or tie may be provided to each Councillor with a Council logo.

3.4 PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYORS

The Mayor will be provided with an adequately furnished room to fulfil the duties of office. The room will be equipped with a telephone and such other technology considered necessary by the Mayor and General Manager.

A mobile phone is provided for the Mayors use.

The Mayor will be issued with a Council Corporate Credit Card (maximum \$2, 000) for use in relation to discharging the functions of civic office, subject to the limits of this policy and the requirements of Councils Credit Card Policy.

PART 4 - OTHER MATTERS

4.1 Acquisition and returning of facilities and equipment by Councillors

All items provided to Councillors in accordance with the policy shall remain the property of Norfolk Island Regional Council. Councillors are required to return any equipment or other facilities to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

4.2 Publication

This policy will be published on Council's website.

PART 5 – RELATED LEGISLATION, GUIDANCE AND POLICIES

Relevant legislation and guidance:

- Local Government Act 1993 (NSW) (NI), Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Associated Documents:

- Code of Conduct

6. REVIEW AND VERSION CONTROL

Policy Number	1.02		Responsible Officer	General Manager
Effective Date	15 August 2018		Next Review Date	2019
Version Number	Version	Resolution No.	Effective Date	Version description
	V1	13/16	July 2016	Developed and Adopted
	V2	2017/113	19 July 2017	Yearly review adopted
	V3	2018/124	15 August 2018	Yearly review adopted
	V4	2019/155	21 August 2019	Yearly review adopted