



Trading as NEW ENGLAND WEEDS AUTHORITY

**Payment of Expenses and the Provision of Facilities
for the Chairperson, Councillors and Staff Policy**

Local Government Act 1993

Adopted by Council: 16 October 2018

**NEW ENGLAND WEEDS AUTHORITY
PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR THE CHAIRPERSON,
COUNCILLORS AND STAFF**

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1 Introduction

1.1 Title

Payment of Expenses and the Provision of Facilities for the Chairperson, Councillors and Staff.

1.2 Purpose of the Policy

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

1.3 Objectives and Coverage of the Policy

To identify those conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and staff.

1.4 Legislative Requirements

The Local Government Act 1993 and the Local Government (General Regulation) 2005.

1.5 Other NSW Government Policy Provisions

- Division of Local Government Circulars
- Division of Local Government Guidelines
- The Model Code of Conduct for Local Councils in NSW
- ICAC Publication – “No Excuses for Misuse, preventing the misuse of council resources”.

2 Policy

- 1) Council shall pay to or on behalf of its members and staff reasonable allowances towards their necessary out-of-pocket expenses for conveyance and sustenance in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.
- 2) Separate votes shall be established in Council's annual budget to provide for the cost of attendance by Councillors and staff at all regular conferences (as detailed in 6) below) together with estimates of the probable expenditure on non-recurrent or extraordinary conferences, seminars or the like.

- 3) Council may provide, on the request of the Councillor or staff member, an advance payment to meet reimbursable out-of-pocket expenses not able to be covered by a Council order, prepayment or invoice for authorised attendance as a delegate to seminars, conferences and inspections which have been approved by Council and in accordance with this policy.
- 4) Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim Form and accompanied by the appropriate receipts and/or tax invoices.
- 5) Council will, wherever possible provide a Council car, for the use of Councillors in attending meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council.

Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council meetings and meetings of committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council at a rate equivalent to Clause 15 (x)(j) of the NSW Local Government State Award 2017 currently being 68 cents per kilometre for vehicles with engine capacity less than 2.5 litres and 78 cents per kilometre for vehicles with engine capacity greater than 2.5 litres.

The driver will be personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council approved business.

- 6) For the purposes of this policy the following shall be considered as regular conferences at which Council may be represented and the relevant staff permitted to attend:-
 - a) The Annual Conference of Local Government New South Wales.
 - b) The Biennial NSW Weeds Conference.

- c) Attendance at conferences, seminars, etc., other than those listed in this policy, may be approved under the following circumstances:-
 - i) The General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.
 - ii) The attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.
 - iii) Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.
- 7) Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager or the Chairperson as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.
- 8) As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Annual Operational Plan contained in the Business Activity Strategic Plan.
- 9) Representation at the regular conferences shall be as follows:-
 - a) The Annual Conference of Local Government New South Wales:-
 - i) Chairperson as Delegate.
 - ii) General Manager
 - b) The Biennial NSW Weeds Conference
 - i) The Chairperson
 - ii) General Manager
 - iii) Weed officers

- 10) At all times travel is to be by Council vehicle unless Council determines another mode of travel is to be used as circumstances may, from time to time, warrant.
- 11) The spouses, partners and/or carers of Councillors and staff shall be permitted to travel to regular or approved conferences, seminars, etc., in Council vehicles, however, Council will not be responsible for any other expenses of spouses, partners and/or carers.
- 12) Allowances for travelling and sustenance are to be based on reimbursement for the actual costs incurred as follows:-
 - a) Accommodation: Up to, but not exceeding a standard equivalent to that of ♦♦♦♦ motel classification. Council may however take advantage of negotiated tariffs irrespective of the motel/hotel classification, provided that such tariffs are no greater than those applicable to the abovementioned classification.
 - b) Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of one hundred dollars (\$100.00) per day.
- 13) No expenses will be paid or reimbursed unless incurred in accordance with this policy.
- 14) Council will provide the opportunity and encourage Councillors to undertake training and education as provided by the Local Government NSW Learning Solutions as provided in the annual budget and authorised by Council.
- 15) Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.
- 16) Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.
- 17) Legal Advice/Expenses:-

In the event of:-

 - a) any enquiry, investigation or hearing by any of:-
 - The Independent Commission Against Corruption
 - The Office of the Ombudsman

- The Division of Local Government and Co-Operatives
- The Police
- The Director of Public Prosecutions
- The Local Government Pecuniary Interest Tribunal, or
- Any other properly constituted authority

into the conduct of a Councillor; or

- b) legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor.

Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
- b) that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.

- 17) Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.
