



PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
TO ADMINISTRATOR, IMPLEMENTATION ADVISORY GROUP
AND LOCAL REPRESENTATION COMMITTEES

Hilltops Council
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Document Control

Policy	Payment of Expenses and Provision of Facilities to Administrators, Implementation Advisory Group and Local Representation Committee Members	File Number	
Author/Reviewer	Interim General Manager – Anthony McMahon	Review Period and Date	1 year/ June 2016

Document History

The Hilltops Council Payment of Expenses and Provision of Facilities to Administrators, Implementation Advisory Group and Local Representation Committee Members Policy has been created and updated as shown in the Document History. The current version is described in the Document Control. This policy will be reviewed at the review date shown in the Document Control or sooner if required. Any changes to the policy must be made by resolution and follow the process described in Section 1.5.

Date	Status	Version	Resolution	Description
May 2016	Draft	0.1		Created
24 May 2016	Draft	0.2		Presented for endorsement, public exhibition 28 days
24 May 2016	Draft	0.3	16/09	Placed on public exhibition - 28 days
24 August 2016	Draft	0.4		Presented to Council for adoption
24 August 2016	Final	1.0	16/87	Adopted

1. OBJECTIVE

The purpose of the policy is to ensure that the Administrator and all members of both the Implementation Advisory Group (IAG) and the Local Representation Committees (LRCs) receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner and does so by ensuring

- the provisions of the policy allow all members of the committees to undertake their civic duties without being financially or otherwise disadvantaged;
- clear identification of the expenses that may be claimed, and facilities that will be provided, to the Administrator and the members of the IAG and the LRCs of the Hilltops Council in carrying out their civic duties;
- compliance with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993, and clause 403 of the Local Government (General) regulation 2005.

This policy excludes annual fees paid to the Administrator and committee members in accordance with Sections 248-251 of the Local Government Act 1993. Fees paid to the Administrator are to be determined by the Minister for Local Government and the Administrator is to determine the fees to be paid to members of the IAG and LRC's.

Expenses and facilities outside of this policy will not be considered.

This policy serves to ensure the Hilltops Council and all appointed committee members act in a manner that is consistent and transparent to the general public.

2. RELEVANT LEGISLATION & GUIDANCE

- Local Government Act 1993 (specifically Sections 252-254)
- Local Government (General) Regulation 2005 (specifically Clause 403)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (DLG 2009)
- DLG Circular – 08/24 and 10/26 – Misuse of Council Resources
- Council Code of Conduct
- No Excuse for Misuse, Preventing the Misuse of Council Resources – ICAC Guidelines 2 – November 2002
- DLG Circular – 05/08 – Legal assistance for Councillors and Council employees

3. DEFINITIONS

Year -	the financial year (1 st July to 30 th June)
Expenses-	payments made by the Council to reimburse the Administrator and Committee Members for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees.

Facilities-	Equipment and services that are provided by Councils to the Administrator and Committee Members to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role.
DLG -	Department of Premier and Cabinet – Division of Local Government
ICAC –	Independent Commission against Corruption
State –	references to the State (NSW) include the ACT due to the community of interest in the provision of services in the region
The Act -	Local Government Act 1993
The Regulation -	Local Government (General) Regulation 2005
GIPA Act -	Government Information (Public Access) Act 2009

4. DELEGATION OF AUTHORITY

Authority for the implementation of the Payment of Expenses and Provision of Facilities to Administrators, Implementation Advisory Group and Local Representation Committee Members Policy is delegated by the Administrator to the Interim General Manager in accordance with the Local Government Act 1993.

5. POLICY

5.1. GENERAL EQUIPMENT AND FACILITIES

The following table outlines the general equipment and facilities available to the Administrator and Committee Members along with monetary limits where applicable.

With the exception of a private vehicle per kilometre allowance, reimbursement of the Administrator and Committee Members will only be made on the basis of actual expenses incurred in performing the duties of Administrator or Committee Member, a delegate or representing Council (as requested by the Administrator or authorised by the Interim General Manager). Such expenses do not include those incurred as a result of anything other than Council business.

Facility/Expense	Administrator	Implementation Advisory Group	Local Representation Committee
Motor Vehicle*	Facilities available/Not available for Council business use		
	Council vehicle with fuel card will be made available for official Council business	Council vehicle or km reimbursement subject to policy (equivalent to unit rate: as per Local Government State Award)	Council vehicle or km reimbursement subject to policy (equivalent to unit rate: as per Local Government State Award)
Furnished Administrator office* including use of telecommunications	Available	Available by arrangement with Administrator or Interim General Manager	Available by arrangement with Administrator or Interim General Manager
Mobile Telephone	Available	Available Limit \$100 per month	Not available
Laptop iPad	Available	Not available	Not available
	Available	Available	Available
Secretarial and Administrative Support*	Available	Available by arrangement with Interim General Manager	Available by arrangement with Interim General Manager

Internet connection	Available – Limit \$70 per month	Limit \$20 per month	Limit \$20 per month
Photocopier – official purpose only*	Available	Available	Available
Stationary and office supplies *	Available	Available	Available
Business cards*	Available	Available	Available
Name badges	Available	Available	Available
Credit Card	Available – Limit \$5,000.00	Not available	Not available
Safety Equipment for official duties	Available	Available	Available
Meals/refreshments related to council, committee and work group meetings and office functions*	Available	Available	Available
Use of Council Chamber	Available when free	Available when free	Available when free

5.2. GENERAL ALLOWANCES

In accordance with the Local Government Act 1993, this policy does not permit the payment to the Administrator or any Committee Member of an allowance in the nature of a general expense or allowance.

5.3. TRAVEL AND RELATED EXPENSES

5.3.1. Sustenance

Where it is likely that the Administrator or Committee Members will incur expenses, as a result of attending to business outside the Hilltops Council area, which has been approved in accordance with Council policy and cannot be pre-paid, a sustenance allowance of \$150.00 per night will be drawn in advance.

It should be noted that such an allowance is not an authority to incur unsubstantiated expenses to that amount. Any expenses paid from the sustenance allowance shall be fully substantiated and the unexpended balance of the sustenance allowance repaid to Council.

Where an Administrator or Committee Member incurs sustenance expenses that arise from attending to business which has been approved in accordance with Council policy, but does not involve an overnight stay and/or absence from the Hilltops Council area, reimbursement of actual costs incurred will be paid provided that there is adequate substantiation of the expenditure.

5.3.2. Accommodation

For all approved conferences, seminars etc, Council shall pay the cost of accommodation, meals and beverages for all necessary overnight stays, provided the accommodation is approved by the Interim General Manager and subject to the submission of appropriate accounts and/or receipts. Wherever possible, Council staff shall make all arrangements and bookings for accommodation. A monetary limit of \$400 per night applies to accommodation, unless extenuating circumstances apply.

5.3.3. Travel

Approved travel shall be in the most efficient and effective manner having regard to the requirements of individual Administrator or Committee Member. All reasonable travel costs associated with meeting the requirements of the role of Administrator or Committee Member will be met by Council in accordance with the following guidelines:

5.3.3.1. Local Travel

The Administrator and Committee Members are entitled to claim a per kilometre allowance (per kilometre allowance is equal to the rates determined under the Local Government (State) Award) for the use of a private vehicle to drive between their place of residence and the Council Chambers, inspections within the area undertaken in compliance with a Council resolution, meetings which Council has endorsed membership, civic receptions hosted by Council, or the meetings or functions approved by the Administrator or Interim General Manager, and return.

5.3.3.2. Interstate Travel

Prior approval of travel should be obtained from Council for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

All reasonable travel costs will be met by Council. Travel will be by vehicle in most cases, however depending on circumstances it may be more appropriate to travel by air or train.

5.3.3.3. Travel by Vehicle

Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle, subject to prior approval by the Administrator or Interim General Manager. Where practicable, travel shall be by way of Council vehicle.

The driver is personally responsible for all traffic or parking fines incurred while travelling on council business.

Where an Administrator or Committee Member uses a private vehicle, they shall be reimbursed on a per kilometre basis at the rate currently applying to the Local Government (State) Award but subject to such cost not exceeding economy class air fares to and from the particular destination. Administrators or Committee Members using their private vehicle are required to ensure that the motor vehicle is legally registered and at least insured for third party damage.

The intent of such allowance is to cover all associated expenses incurred by the Administrator or Committee Member as a result of such travel including fuel, registration, insurance and wear and tear costs, or the components thereof related to the said travel.

Wherever possible, every effort is to be made to minimise such costs through the use of Council vehicles and sharing with other Committee Members and staff where appropriate.

Typically, an Administrator or Committee Members' private vehicle is likely to be used for:

- a) travel to/from Council and Council Committee meetings,
- b) travel to/from authorised inspections,
- c) travel to/from Council authorised workshops, courses, seminars or conferences.

Reimbursement will not be paid for any expense incurred through attending to the needs of constituents except as provided by this policy.

Travel other than by private vehicle (i.e. by taxi, train or other public transport) shall be reimbursed on an actual cost basis.

Any claims for reimbursement under this section must be made within three months from the date of the travel, on the forms provided by Council for this purpose.

5.3.3.4. Air travel

Where the Council or the Interim General Manager deems travel by an Administrator or a Committee Member by road vehicle inappropriate, travel may be by air. When travelling by air, the standard of air travel shall be economy class.

Council staff shall under normal circumstances make arrangements and bookings for air travel.

5.4. ATTENDANCE AT SEMINARS AND CONFERENCES

Attendance at Annual Conferences of the Local Government Association of NSW will normally be undertaken by the Administrator.

Committee Members may be nominated to attend conferences, seminars and similar functions relevant to Council's interests by:-

- a) The Administrator, acting within his/her delegated authorities and subject to budget requirements

Approval to attend must be resolved at a Council meeting or by both the Administrator and Interim General Manager if attendance is required prior to the next Council meeting. The Administrator may attend a conference to represent the interests of Council and any attendance shall be reported to Council.

The Administrator and Committee Members will be required to provide a written report to Council on such conferences.

Council will pay conference registration fees, including the costs of related official meals or activities where these are relevant to the business and interests of Council.

Where the Administrator or a Committee Member is unable to attend a conference or seminar and a full refund of fees paid cannot be obtained, or an alternative delegate cannot be substituted, the

Administrator or Committee Member shall be responsible for the payment of any shortfall, unless extenuating circumstances apply.

In respect of a conference or seminar, an Administrator or Committee Member who does not attend the majority of the sections of the conference/seminar shall be eligible for only 40% reimbursement of any sustenance, accommodation and travel expenses, unless extenuating circumstances apply.

Where attendance at other functions is relevant to Councils interest by reason of briefings, information or networking with key community members, business identities or politicians, approval may also be given by Council. Such approval will extend to the cost of the function and not to political donations.

No payment should be made by a council for attendance by an Administrator or Committee Member at any political fundraising event, for any donation to a political party or a candidate's electoral fund, or for some other private benefit.

5.5. TRAINING AND EDUCATIONAL EXPENSES

Separate provision is made in the budget for training and education of Administrators and Committee Members. These expenses are to support and encourage an active learning process and development of skills. This will assist the Administrator or Committee Member with his/her civic functions and responsibilities.

This initiative supports NSW Government policy in encouraging Administrators and Committee Members to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible.

5.6. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

There may be occasions where certain costs incurred by the Administrator or Committee Member on behalf of their spouse, partner or accompanying person are properly those of the Administrator or Committee Member in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the Administrator or Committee Member and/or provides carer support to the Administrator or Committee Member.

Council will meet reasonable costs of spouses and partners or an accompanying person when attending official Council functions that are of a formal and ceremonial nature, and is considered appropriate when accompanying the Administrator or Committee Member within the Local Government Area.

Such functions would be those that an Administrator or Committee Member's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to, Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the Council.

Expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW Annual Conference, will be met by Council. These expenses are limited to the full cost of the conference which includes accommodation, transportation, registration, official conference dinner and organised conference/seminar partner activities.

No objection is raised to attendees being accompanied by their spouse/partner to other conferences and seminars that are Council approved. Costs of spouse/partner are not covered unless specifically stated by council resolution.

Council will consider an application for the reimbursement of reasonable expenses related to the Administrator or Committee Member's care responsibilities allowing Administrators or Committee Members to undertake their civic responsibilities.

Council will also reimburse expenses for the spouse, partner or accompanying person of an Administrator, or a Committee Member when they are representing the Administrator, when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Administrator outside the Council's area, but within the State.

Examples: charitable functions to which the Administrator is invited, award ceremonies and other functions at which the Administrator will represent the Council.

Peripheral expenses incurred in attending seminars and conferences by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

5.7. CARER AND OTHER RELATED EXPENSES

Council will reimburse reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator or other Committee Members, to allow them to undertake their Council business obligations.

This is in accordance with the principles of participation, access and equity which the Department also considers to be a legitimate expense. An Administrator or Committee member claiming the carer expense will not be subject to criticism for doing so.

Council agrees to provide or to reimburse other related expenses associated with the special requirements of Administrators or Committee Members such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

6. PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR ADMINISTRATOR

In addition to the facilities, equipment and services provided to Committee Members, additional facilities are provided to the Administrator to recognise the special role, responsibilities and duties both in the Council and in the community:

- a) Appropriately furnished and equipped office.

- b) Appropriate Secretarial support for the purpose of Council business only.
- c) Appropriate refreshments and beverages to the Administrator's office for hospitality purposes.
- d) A mobile telephone or subsidy of their personal telephone to a maximum amount of \$100.00 per month.
- e) A broadband internet connection.

7. PRIVATE USE OF EQUIPMENT AND FACILITIES

Council resources should be used ethically, efficiently and carefully in the course of official duties. The Administrator and Committee Members should not obtain private benefit from the provision of equipment and facilities or travel programs.

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.

Where more substantial private use has occurred, the Act provides that a payment may be made to cover the level of that private use.

8. ADMINISTRATION

8.1. PAYMENT IN ADVANCE

The Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible a cash allowance or cheque equivalent thereto will be paid to the attendee in advance.

An allowance for "out-of-pocket" expenses may be paid to an attendee in advance upon request, subject to a reconciliation statement, together with a refund of any unexpended amount being submitted within fourteen (14) days of the close of the conference, seminar or function.

All advanced payments are required to be reconciled.

8.2. REIMBURSEMENT AND RECONCILIATION OF EXPENSES

8.2.1. Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar or function, including meals, refreshments and entertainment, but excluding expenses of a normal private matter. This payment would normally be at the current daily rate adopted for Council Staff in accordance with Public Service rates upon the presentation of official receipts and the completion of the necessary claim form.

8.2.2. Incidental expenses

Incidental expenses could reasonably include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar

functions may be reimbursed after reconciliation. Council will place a daily limit of \$150.00 on these out of pocket incidental expenses.

8.2.3. Lodging a claim

Reimbursement is subject to a formal claim being lodged not later than three (3) months after the expense was incurred on the approved Reimbursement Form attached in Annexure 1.

9. LEGAL ASSISTANCE FOR ADMINISTRATOR AND COMMITTEE MEMBERS

Council will 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.

In the particular circumstances outlined below, Council may indemnify or reimburse the reasonable legal expenses of:

- a) An Administrator or Committee Member defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- b) An Administrator or Committee Member 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; or
- c) An Administrator or Committee Member for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Administrator or Committee Member.

Legal expenses incurred in relation to proceedings arising out of the performance by an Administrator or Committee Member of his/her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something that an Administrator or Committee Member has done during his or her term in office. An example of the latter is expenses arising from an investigation as to whether an Administrator or Committee Member acted corruptly by using knowledge of a proposed rezoning for private gain. This latter type of expense should not form part of a policy adopted under section 252 of the Act.

Council may lawfully obtain insurance cover against the risk of having to meet the costs of or to reimburse an Administrator or Committee Member provided that the costs or reimbursements are ones that the Council is authorised to meet.

Council may not meet the costs of an action in defamation taken by an Administrator, Committee Member or Council employee as plaintiff in any circumstances.

Council may not meet the costs of an Administrator or Committee Member seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Where doubt arises in relation to any of these points Council will seek legal advice.

10. INSURANCE

Administrator and Committee Members are to receive the benefit of insurance cover for:

a) Personal Injury

Personal injury whilst engaged in or on any activity directly or indirectly connected with or on behalf of Council, worldwide, (including spouses/partners) to a sub-limit as suggested by Council's insurance brokers and market standards, in the event of death. Also, weekly benefits and non-medical expenses will also be adequately covered, with coverage reviewed annually in line with policy renewals. The cover does not include medical expenses.

b) Public Liability

Limited legal liability cover for Administrators and Committee Members for libel and slander is provided under the above policy. It should be clearly noted and understood that this coverage is for strictly non malicious or non vexatious statements uttered whilst on Council business, i.e. statements made under qualified privilege.

c) Administrators, Committee Members and Officers Liability

For matters arising out of the Administrators' or Committee Members' performance of civic duties or exercise of their functions as Administrator or Committee Member provided that the performance or exercise of the relevant civic duty or function is authorised under the Local Government Act 1993, was carried out in good faith, and is in the opinion of Council bona fide and/or proper.

d) Travel Insurance

Council also will provide travel insurance for approved interstate and overseas travel on Council business subject to any limitations or conditions set out in Council's policy of insurance.

Full details of these policies are available on request from the Interim General Manager.

11. REVIEW AND REPORTING

11.1. REVIEW

In complying with the requirements of Sections 252 and 253 of the Act Hilltops Council will annually:

- a) Review its expenses and facilities policy within 3 months of the end of the year
- b) Following that review give public notice of its intention to adopt the policy
- c) Allow at least 28 days for public submissions on the draft policy
- d) Consider any submissions and make appropriate changes to the draft policy

e) Adopt the (modified) policy at the next Ordinary Council meeting

All considerations of the expenses and facilities policies in Council meetings will be open to the public

Where the policy is amended during the year the same process may be followed, however the public notice provision may be waived if the amendment is not substantial.

11.2. REPORTING

In accordance with Section 428 (f) of the Local Government Act 1993 and Section 217 (1) of the Local Government (General) Regulation 2005, details of expenditure on Administrator and Committee Member fees and expenses made under this policy along with other information required by the legislation will be reported in Councils Annual Report.

12. DISPUTE RESOLUTION PROCESS

In the event there is a dispute in relation to the provision of expenses and facilities to Administrators or Committee Members, the following shall be the process to resolve the dispute:

An Administrator or Committee Member wishing to dispute the provision of expenses and facilities must document the nature of their dispute including the supporting reasons/arguments for them lodging the dispute. Once complete the dispute should be lodged with the Interim General Manager.

The Interim General Manager will assign a Council Staff member independent of the process to prepare a report on the dispute to Council. The Council Report will include:

- a) the nature and circumstances of the dispute;
- b) relevant sections of this Policy; and
- c) a recommendation.

The Council Report will be tabled and determined in Open Council.

The Administrator and Committee Members should give consideration to the provisions in the Code of Conduct relating to Conflicts of Interest when a dispute they have lodged is presented to Council for a determination.

13. OTHER MATTERS

13.1. BREACHES

Inappropriate claiming of expenses or misuse of facilities by Administrators or Committee Members is a breach of this policy (and others) and must be reported to the Interim General Manager.

13.2. ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES TO ADMINISTRATORS AND COMMITTEE MEMBERS

Administrators and Committee Members will return equipment and 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.

The Administrator and Committee Members will be provided with the option to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value

13.3. PERSONAL INTERESTS

The interests of an Administrator or a Committee Member in their re-election is considered to be a personal interest. The Administrator or Committee Member may not claim reimbursement of travel expenses incurred on election matters. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for election purposes.

13.4. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

13.4.1. Administrator

Administrators are responsible for keeping individual records and submitting expense claims to council for payment.

13.4.2. Committee Members

Members of the Implementation Advisory Group and the three Local Representation Committees are responsible for keeping individual records and submitting expense claims to council for payment.

13.4.3. Staff

Staff are responsible for keeping records of Administrator and/or Committee Member expenses and use of facilities information. Retention and destruction of these will occur as required by the Local Government Records and Archives Disposal Schedule.

13.4.4. Public

All requests for access to Administrator or Committee Member expenses and facilities records will only be considered following the lodgement of a GIPA Application.

Claim for Payment

NAME: _____

I hereby submit the following claim for expenses incurred in attending:-

Meeting Type		
Local Representation Committee		917.50
Implementation Advisory Committee		917.50
	TOTAL	

Date	Location	KM Travelled (Eng. Capacity 2.4l or less)	KM Travelled (Eng. Capacity 2.5l or more)
		TOTAL	

Date	Other Expense Details (Receipts Attached)
	TOTAL

Signature X _____

Authorised by X _____