

# **ATTACHMENTS**



## **FINANCE & POLICY COMMITTEE MEETING AGENDA**

**THURSDAY 13 NOVEMBER 2014**

---

## ~ REFERENCE TO ATTACHMENTS ~

---

### PART A – ACTION

Report 2A – Public Interest Disclosures Internal Reporting Policy .....	22-37
Report 3A – Support of Major Events Policy .....	38-42
Report 4A – Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy .....	43-57
Report 6A – First Quarter Budget Review of 2014/2015 .....	Under Separate Cover

### PART B – INFORMATION

Report 1B – 2013/2014 Annual Report .....	Under Separate Cover
---	----------------------

# **COBAR SHIRE COUNCIL**



## **Public Interest Disclosures Internal Reporting Policy**

**FILE: P5-24**

**Responsible Officer: General Manager**

---

## Table of Contents

1. Background .....	3
2. Objective .....	3
3. Application / Scope .....	3
4. What should be reported? .....	4
4.1 Corrupt conduct .....	4
4.2 Maladministration .....	4
4.3 Serious and substantial waste in Local Government .....	4
4.4 Government information contravention .....	5
4.5 Other wrongdoing .....	5
5. When will a report be protected? .....	6
6. How to make a report .....	6
7. Can a report be anonymous? .....	6
8. Maintaining confidentiality .....	7
9. Who can receive a report within Cobar Shire Council? .....	7
9.1 General Manager .....	7
9.2 Mayor .....	8
9.3 Disclosures Coordinator (Director of Corporate and Community Services) .....	8
9.4 Disclosures Officer (Human Resources Officer) .....	8
10. Who can receive a report outside of Cobar Shire Council? .....	8
10.1 Investigating authorities .....	9
10.2 Members of Parliament or journalists .....	9
11. Feedback to staff who report wrongdoing .....	10
12. Protection against reprisals .....	11
12.1 Responding to reprisals .....	11
12.2 Protection against legal action .....	13
13. Support for those reporting wrongdoing .....	13
14. Sanctions for making false or misleading disclosures .....	13
15. Support for the subject of a report .....	13
16. Review .....	14
17. More information .....	14
18. Resources .....	14
19. Relevant Legislation .....	15
20. Related and Associated Council Policy and Procedures .....	15
21. Responsible Officer / Policy Owner .....	15

---

## 1. Background

Cobar Shire Council recognises the need to have a relevant Internal Reporting Policy to encourage and facilitate the disclosure, in the public interest, of cases where corrupt conduct, maladministration, serious and substantial waste, and government information contravention occurs within Council.

Cobar Shire Council is committed to the principles of the *Public Interest Disclosures Act 1994* (the PID Act) and will not tolerate corrupt conduct, maladministration, serious and substantial waste, or government information contravention and will take all reasonable steps to provide protection and maintenance of confidentiality of staff and Councillors who wish to make a disclosure. Staff or Councillors who take detrimental action, as defined in the PID Act, against another person in reprisal for a protected disclosure can face penalties provided under the PID Act.

Cobar Shire Council further recognises that disclosed information can lead to organisational improvement and commits to thoroughly investigate all disclosures for the primary purpose of gaining increased efficiency and eliminating any impediments to Council achieving its overall objectives.

In addition, Cobar Shire Council commits to providing adequate training to ensure that all staff and Councillors are acquainted with the provisions of the PID Act including the reporting mechanisms.

## 2. Objective

The purpose of the PID Act is to ensure that staff who make disclosures receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The PID Act aims to encourage and facilitate the disclosure – in the public interest – of corrupt conduct, maladministration, serious and substantial waste, and government information contravention in the public sector. This is achieved by:

- Enhancing and augmenting established procedures for making disclosures concerning such matters;
- Protecting people from reprisals that might otherwise be inflicted on them because of these disclosures;
- Providing for disclosures to be properly investigated and dealt with.

## 3. Application / Scope

This policy applies to all Council Staff, Councillors, Contractors, Council Committee Members, Council delegates and volunteers of Cobar Shire Council.

---

## 4. What should be reported?

You should report any wrongdoing you see within Cobar Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this Policy.

### 4.1 Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- The improper use of knowledge, power or position for personal gain or the advantage of others;
- Acting dishonestly or unfairly, or breaching public trust;
- A member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

### 4.2 Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- Making a decision and/or taking action that is unlawful;
- Refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

### 4.3 Serious and substantial waste in Local Government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money.

This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

---

For example, this could include:

- Poor project management practices leading to projects running over time;
- Having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

#### 4.4 Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- Destroying, concealing or altering records to prevent them from being released;
- Knowingly making decisions that are contrary to the legislation;
- Directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

#### 4.5 Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- Harassment or unlawful discrimination;
- Reprisal action against a person who has reported wrongdoing;
- Practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a Supervisor, in line with Cobar Shire Council's Policies.

Even if these reports are not dealt with as protected disclosures, Cobar Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

---

## 5. When will a report be protected?

Cobar Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. (The Ombudsman Guidelines provides further detail on when a report will be protected).
- The report has to be made to one or more of the following:
  - A position nominated in this Policy – see section 9 below;
  - The General Manager;
  - One of the investigating authorities nominated in the PID Act – see section 10 below.

Reports by staff and Councillors will not be considered to be protected disclosures if they:

- Mostly question the merits of government policy, including the policy of the governing body of the Council;
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## 6. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

## 7. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Cobar Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.



---

## **8. Maintaining confidentiality**

Cobar Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Cobar Shire Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council Meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

## **9. Who can receive a report within Cobar Shire Council?**

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the Council's disclosure procedures. For Cobar Shire Council, this means this Policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions are outlined in this section.

If you are Council staff and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within Cobar Shire Council who can receive a protected disclosure.

### **9.1 General Manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- Deciding if a report is a protected disclosure;
- Determining what needs to be done next, including referring it to other authorities;
- Deciding what needs to be done to correct the problem that has been identified.

---

The General Manager must make sure there are systems in place in Cobar Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

## **9.2 Mayor**

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- Deciding if a report is a protected disclosure;
- Determining what needs to be done next, including referring it to other authorities;
- Deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in Cobar Shire Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

## **9.3 Disclosures Coordinator (Director of Corporate and Community Services)**

The Disclosures Coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within Cobar Shire Council who can deal with them appropriately.

## **9.4 Disclosures Officer (Human Resources Officer)**

The Disclosures Officer works with the Disclosures Coordinator, and is responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

## **10. Who can receive a report outside of Cobar Shire Council?**

Staff are encouraged to report wrongdoing within Cobar Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to Cobar Shire Council. If your report is about the

---

General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

### **10.1 Investigating authorities**

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- The Independent Commission Against Corruption (ICAC) — for corrupt conduct;
- The Ombudsman — for maladministration;
- The Police Integrity Commission (PIC) — for police misconduct;
- The PIC Inspector — for disclosures about the PIC or its staff;
- The Office of Local Government — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General);
- The ICAC Inspector — for disclosures about the ICAC or its staff;
- The Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this Policy.

You should be aware that it is very likely the investigating authority will discuss the case with Cobar Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

### **10.2 Members of Parliament or journalists**

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- The General Manager;
- A person nominated in this policy;
- An investigating authority in accordance with the PID Act.

---

Also, Cobar Shire Council or the investigating authority that received the report must have either:

- Decided not to investigate the matter;
- Decided to investigate the matter, but not completed the investigation within six months of the original report;
- Investigated the matter but not recommended any action as a result;
- Not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Cobar Shire Council Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Cobar Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## **11. Feedback to staff who report wrongdoing**

Staff who report wrongdoing will be told what is happening in response to their report. When you make a report, you will be given:

- An acknowledgement that your disclosure has been received;
- The timeframe for when you will receive further updates;
- The name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report. After a decision is made about how your report will be dealt with, you will be given:

- Information about the action that will be taken in response to your report;
- Likely timeframes for any investigation;
- Information about the resources available within Cobar Shire Council to handle any concerns you may have;
- Information about external agencies and services you can access for support.

---

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- Information on the ongoing nature of the investigation;
- Information about the progress of the investigation and reasons for any delay;
- Advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- Advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

## **12. Protection against reprisals**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

Cobar Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- Injury, damage or loss;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to employment;
- Dismissal from, or prejudice in, employment;
- Disciplinary proceedings.

### **12.1 Responding to reprisals**

Cobar Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

---

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your Supervisor, the Disclosures Coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.

If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- Ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal;
- Give the results of that investigation to the General Manager for a decision;
- Give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager;
- If it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure;
- Take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- Issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure;
- Relocating the member of staff who made the disclosure or the subject officer within the current workplace;
- Transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified;
- Granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

---

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

## **12.2 Protection against legal action**

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

## **13. Support for those reporting wrongdoing**

Cobar Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through appropriate channels will suffer disciplinary action for having done so.

Staff within Cobar Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. Details for support officers appears in Section 9 of this Policy.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

## **14. Sanctions for making false or misleading disclosures**

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

## **15. Support for the subject of a report**

Cobar Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- Treated fairly and impartially;
- Told your rights and obligations under our policies and procedures;
- Kept informed during any investigation;

- 
- Given the opportunity to respond to any allegation made against you;
  - Told the result of any investigation.

## 16. Review

This Policy will be reviewed by Council every twelve months from the adoption date. (For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit).

## 17. More information

Staff can access advice and guidance from Cobar Shire Council's Disclosures Coordinator (Director of Corporate and Community Services), the General Manager and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## 18. Resources

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

### **For disclosures about corrupt conduct:**

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

### **For disclosures about serious and substantial waste in local government agencies:**

Office of Local Government (OLG)  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)  
Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

### **For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street, Sydney NSW 2000

### **For disclosures about breaches of the GIPA Act:**

Information Commissioner  
Toll free: 1300 363 992  
Facsimile: 02 92 849 666  
Email: [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)  
Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)  
Address: Level 3, 175 Pitt Street, Sydney NSW 2000



---

## **19. Relevant Legislation**

- Public Interest Disclosures Act 1994;
- ICAC Act 1988;
- Ombudsman Act 1974;
- NSW Ombudsman public interest disclosures guidelines (practice notes);
- Government Information (Public Access) Act 2009.

## **20. Related and Associated Council Policy and Procedures**

This policy replaces the following Council Policy, which will be revoked at the adoption date of this Policy:

- Internal Reporting Policy – Protected Disclosures, adopted 22 September 2011.

Related Policies:

- Fraud Control Policy;
- Code of Conduct.

## **21. Responsible Officer / Policy Owner**

The General Manager is responsible for the implementation and review of this Policy.



# COBAR SHIRE COUNCIL



## Support of Major Events Policy P5-69

## *Table of Contents*

1 Objective .....	3
2. Policy .....	3

## 1. OBJECTIVE

The objective of this Policy is to provide both financial and in-kind support, based on a fair and reasonable formula, to local service, cultural, sporting, charitable and non-profit organisations that operate within or provide benefit to the residents of Cobar Shire Council.

## 2 POLICY

That Cobar Shire Council provides financial and in-kind support, upon application by a bona fide individual or organisation, based on the following formula:

TYPE OF EVENT	LEVEL OF SUPPORT
<p>1. An event that has the potential of being held on an annual basis and has the capacity of attracting a significant number of visitors to the Shire and boosting the local economy.</p>	<ul style="list-style-type: none"> <li>• First Year</li> </ul> <p>Waive all associated Council fees and provide in-kind support to a level agreed to by the General Manager.</p> <ul style="list-style-type: none"> <li>• Second Year</li> </ul> <p>Waive 50% of all associated Council fees and provide in-kind support to a level the same as in year one.</p> <ul style="list-style-type: none"> <li>• Third year</li> </ul> <p>Waive 25% of all associated Council fees and provide in-kind support to a level the same as in year one.</p> <ul style="list-style-type: none"> <li>• Subsequent Years</li> </ul> <p>No waiver of associated fees but provide in-kind support to a level the same as in year one.</p>
<p>2. An event that has the potential of being run on an annual basis and provides a benefit to Shire residents but does not have the capacity of attracting a significant number of visitors to the Shire.</p> <p style="text-align: center;"><b>OR</b></p> <p>A local one off event that provides a</p>	<ul style="list-style-type: none"> <li>• First Year</li> </ul> <p>Waive 50% of all associated Council fees and provide in-kind support to a level agreed to by the General Manager.</p> <ul style="list-style-type: none"> <li>• Second Year</li> </ul> <p>Waive 25% of all associated Council fees</p>

<p>benefit to Shire residents but does not have the capacity of attracting a significant number of visitors to the Shire.</p>	<p>and provide in-kind support to a level the same as in year one.</p> <ul style="list-style-type: none"> <li>• Third and Subsequent Years</li> </ul> <p>No waiver of associated fees but provide in-kind support to a level the same as in year one.</p>
<p>3. An existing event that has the potential of being held on an annual basis and has the capacity of attracting a significant number of visitors to the Shire and boosting the local economy.</p>	<ul style="list-style-type: none"> <li>• Each Year</li> </ul> <p>Waiver of associated fees by resolution of Council and in-kind support to a level agreed to by the General Manager.</p>
<p>4. An existing event that provides a benefit to Shire residents but does not have the capacity of attracting a significant number of visitors to the Shire.</p>	<ul style="list-style-type: none"> <li>• Each Year</li> </ul> <p>No waiver of associated fees but provides in-kind support to a level agreed to by the General Manager.</p>
<p>5. All events</p>	<p>A \$500 refundable cleaning deposit be charged to all organisations as per Council's Fees and Charges.</p>



# **COBAR SHIRE COUNCIL**



## **Payment of Expenses & Provision of Facilities to Mayor and Councillors Policy**

**FILE: P5-4**

**Responsible Officer: Director Corporate and  
Community Services**



## TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
INTRODUCTION .....	3
PART 1 – PRELIMINARY .....	4
1. CITATION .....	4
2. COMMENCEMENT AND POLICY REVIEW .....	4
3. PURPOSE OF THE POLICY .....	5
PART 2 – CONFERENCES/SEMINARS & OFFICIAL DELEGATE DUTIES .....	5
4. ATTENDANCE AT CONFERENCES/SEMINARS & OTHER MEETINGS .....	5
5. WHAT CONFERENCES AND SEMINARS MAY BE ATTENDED.....	5
6. REGISTRATION .....	6
7. EXPENSES INCURRED.....	6
8. PAYMENT IN ADVANCE .....	7
9. CATEGORIES OF PAYMENT OR REIMBURSEMENT.....	7
PART 3 – FACILITIES FOR MAYOR AND COUNCILLORS .....	8
10. MAYOR .....	8
11. DEPUTY MAYOR AND COUNCILLORS.....	9
12. INSURANCE & LEGAL ASSISTANCE.....	10
13. ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS .....	12
14. PRIVATE BENEFIT.....	12
15. APPROVAL RECONCILIATION AND REIMBURSEMENT .....	12
16. RETURN OF EQUIPMENT AND FACILITIES.....	13
17. DISPUTE RESOLUTION .....	13
18. RELEVANT DOCUMENTS .....	13

## INTRODUCTION

This policy is made under the *Local Government Act 1993* and directly relates to Sections 252 and 253 of the Act, and the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW*. The Act requires Council to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

In accordance with Clause 403 of the *Local Government Regulation 2005*, the Policy for Payment of Expenses and Provision of Facilities to Mayor and Councillors does not include provision for a general expense allowance. It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred and which are designed to supplement councillors' annual fees.

Clause 217 of the *Local Government Regulation 2005* requires a council to include in its Annual Report:

- total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:
  - 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).
  - Cost of phone calls including mobiles, home located landlines, facsimile and internet service.
  - Spouse/partner/accompanying person expenses (limited to circumstances outlined below).
  - Conference and seminar expenses.
  - Training and skill development expenses.
  - Interstate and overseas travel expenses (including subsistence and out-of-pocket expenses).
  - Care and other related expenses (of dependant to enable a councillor to undertake his/her civic functions).

### **Spouse/partner/accompanying person**

There are limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions. (An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor).

1. Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature is considered appropriate when accompanying councillors within the local government area.

2. Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW annual conference may be met by Council. Expenses are limited to cost of registration and official conference dinners – travel expenses, additional accommodation expenses, and cost of partner tours would be the personal responsibility of individual councillors.
3. Consideration should be given to payment of expenses for spouse, partner or accompanying person of the mayor (or a councillor when they are representing the mayor) when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the mayor (or a councillor when they are representing the mayor) outside Council's area, but within the State.
4. Council shall not pay the costs and expenses of any spouses, partners or accompanying persons who accompany a councillor at any event or function outside the Council area, including interstate or overseas, other than in clauses 2 and 3 above.
5. The cost of spouses, partners or accompanying persons accompanying councillors to seminars and conferences and the like, other than in clauses 2 and 3 above, is not to be met by Council.

Schedule 1 of the *Government Information (Public Access) Act 2009*, provides for the public to be able to inspect, during office hours, at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public is entitled to a copy of the policy, either free of charge or on payment of a reasonable copying charge.

## **PART 1 – PRELIMINARY**

### **1. CITATION**

This policy is in accordance with the requirements of the *Local Government Act, 1993*, and will be cited as the "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy".

### **2. COMMENCEMENT AND POLICY REVIEW**

This policy was revised by Council on 25<sup>th</sup> November 1999  
This policy was revised by Council on 24<sup>th</sup> August 2000  
This policy was revised by Council on 26<sup>th</sup> June 2001  
This policy was revised by Council on 15<sup>th</sup> April 2004  
This policy was revised by Council on 27<sup>th</sup> January 2005  
This policy was revised by Council on 22<sup>nd</sup> February 2007  
This policy was revised by Council on 25<sup>th</sup> March 2010  
This policy was revised by Council on 28<sup>th</sup> April 2011  
This policy was revised by Council on 24<sup>th</sup> May 2012  
This policy was revised by Council in September 2012  
This policy was revised by Council in September 2013  
This policy will be revised by Council in September 2014.

### **3. PURPOSE OF THE POLICY**

The purpose of this policy is to ensure that councillors 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.

## **PART 2 – CONFERENCES/SEMINARS & OFFICIAL DELEGATE DUTIES**

### **4. ATTENDANCE AT CONFERENCES/SEMINARS & OTHER MEETINGS**

#### **PART 2 APPLIES TO:**

(a) Councillors nominated to attend conferences, seminars and similar functions by:

- the Council, through resolution duly taken,
- the Mayor, acting within his/her delegated authorities and subject to due budget requirements being adhered to.

In addition, the Mayor may nominate a substitute attendee in his or her stead for functions within the Council area or the general regional area on those occasions where the Mayor is unable to be in attendance.

(b) Councillors appointed as official Council delegates to attend meetings/functions of external organisations of which Council is a member.

(c) Administrators of councils, if appointed.

### **5. WHAT CONFERENCES AND SEMINARS MAY BE ATTENDED**

The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- Local Government NSW Annual Conference,
- Western Division Group of Shires Annual Conference,
- Special “One-Off” Conferences called by the Local Government NSW on important issues,
- Local and Regional Conferences and Congresses of the various local, regional and state organisations of which this Council is a member, or has observer status or an application with,
- Suitable training courses and seminars considered appropriate by Council conducted by reputable and professional training organisations which further the training and development efforts of the Council with such attendance being within the budget framework.

Councillor expenses may not be used to support attendance by councillors at political fundraising functions.

**6. REGISTRATION**

The Council will pay all normal registration costs which are charged by the organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their Civic Office.

**7. EXPENSES INCURRED**

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business, including:
  - appointments and meetings involving Council business,
  - to and from the periodical conferences and seminars of Local Government related organisations (generally as listed in Clause 4 and Clause 5 of this Policy) at which attendance has been approved;
- (b) the travel is undertaken with all due expedition, and by the shortest practicable route;
- (c) only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- (d) out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;
- (e) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (f) the claim is made not later than three (3) months after the expenses were incurred, and upon a voucher form for payment



(c) Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the Council business where this is necessary, will be met by the Council.

(d) Out-of-pocket Expenses

Reasonable out-of-pocket expenses will be provided or reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment.

(e) Spouse/Partner

Where the attendee is accompanied by his or her spouse/partner, the attendee will be required to pay for any cost supplement involved in the accommodation (room only). All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

## **PART 3 – FACILITIES FOR MAYOR AND COUNCILLORS**

### **10. MAYOR**

The Mayor is entitled to receive the following benefits:

- Mayoral allowance *as determined by Council annually and* paid monthly in addition to the normal Councillors *allowance as determined by Council annually*, as per legislation,
- Transport being provided for use on appropriate occasions,
- Executive support services relating to the discharge of his/her civic functions, including use of official stationery and postage of official correspondence,
- Administrative assistance associated with civic functions, meetings and the like,
- Office refreshments,
- Facsimile machine and computer access,
- Supply of name badges, business cards, diaries, memo books and attaché case,
- Travelling expense reimbursement for attendance at Council meetings where travel of in excess of ten (10) km from Councillor's residence is involved,





## 12. INSURANCE & LEGAL ASSISTANCE

### 12.1 INSURANCE

Councillors are to receive the benefit of insurance cover for:

a) **Personal Injury**

If the Council delegates authority to one or more councillors for the purpose of representing Council overseas, then the appropriate insurance will be negotiated. The type of insurance cover sought may include bodily injury caused by accidental, violent, external and visible means, and may also cover permanent disablement, temporary total disability and temporary partial disability.

b) **Professional Indemnity**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the *Local Government Act 1993*, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

c) **Public Liability**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

### 12.2 LEGAL ASSISTANCE

In the event of:

- a) An enquiry, investigation or hearing by any of:
- The Independent Commission Against Corruption
  - The Office of the Ombudsman
  - Office of Local Government
  - The Police
  - The Director of Public Prosecutions
  - Council's Conduct Review Committee/Reviewer
  - The Local Government Pecuniary Interest and Disciplinary Tribunal; or
  - Any other tribunal or authorised body into the conduct of a Councillor; or
- b) Legal proceedings being taken by or 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, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or procedure, on a solicitor/client basis, PROVIDED THAT:

- i) 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.
  - ii) the Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and the Councillor acted in good faith as required under Section 731 of the *Local Government Act 1993* and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor.
  - iii) The amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's solicitors will be paid, that is any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitor will not be reimbursed; and
  - iv) The Councillor is not the plaintiff in the action.
- c) Provision of legal advice relating to a pecuniary interest, conflict of interest or matter governed by the Code of Conduct which, in the opinion of the General Manager, is necessary to clarify the particular Councillor's responsibilities in the performance of his/her duties as a Councillor.

### 13. ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

The following currently apply as monetary limits to expenses:

Expense	Mayor	Deputy Mayor	Individual Councillors
	Maximum Annual Expense Limits		
Agreed training	\$23,000 in total per annum		
Mandatory Councillor Information sessions			
Conferences & Seminars			
Local travel	\$25,000 in total per annum		
Interstate Travel	As per Council resolution	As per Council resolution	As per Council resolution
Overseas Travel	Not Applicable	Not Applicable	Not Applicable
Motor Vehicle	Reimbursement to Council for private travel	Council vehicle for attending out of area functions	Council vehicle for attending out of area functions
Mobile Phone	Reimbursement to Council for private calls	Not Applicable	Not Applicable
Internet Access	Not Applicable	Not Applicable	Not Applicable
Stationery	\$200	\$100	\$100
Business Cards, Name tags, etc	\$125	\$125	\$125
Corporate Uniform (50% contribution)	Not Applicable	Not Applicable	Not Applicable
Mayoral Office Refreshments	\$250	\$250	\$250

### 14. PRIVATE BENEFIT

Councillors shall 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.

In situations where private use occurs, a payment shall be made to cover the level of that private use (refer S252(2) of the *Local Government Act 1993*).

### 15. APPROVAL RECONCILIATION AND REIMBURSEMENT

- Approval must be sought and gained prior to expenses being incurred, and where significant expenses and facilities occur, at a full meeting of the Council. If that is not possible, joint approval by the Mayor and General Manager is required. If the



# Councillor Claim Form



Councillors seeking reimbursement of expenses associated with Council business are required to complete this form. Please clearly print all details and if information is not applicable please leave blank.

NAME OF COUNCILLOR: \_\_\_\_\_

CLAIM FOR THE MONTH OF: \_\_\_\_\_

## 1. CLAIM FOR PRIVATE CAR EXPENSES TO ATTEND COUNCIL MEETINGS AND APPROVED FUNCTIONS

- Vehicles less than 2.5 litres are calculated at a rate of 0.68c per kilometre
- Vehicles 2.5 litres or more are calculated at a rate of 0.78c per kilometre

JOB NUMBER 10014

DATE	DESCRIPTION OF CLAIM	NO OF KM	RATE / KM	AMOUNT
SUB TOTAL				

## 2. CLAIM FOR REIMBURSEMENT OF EXPENSES INCURRED ON COUNCIL BUSINESS

JOB NUMBER 10015

DATE	DESCRIPTION OF CLAIM	AMOUNT
SUB TOTAL		

## TOTAL CLAIM

1. SUB TOTAL	
2. SUB TOTAL	
TOTAL CLAIM	

## DECLARATION

COUNCILLOR SIGNATURE: \_\_\_\_\_

DATE OF SUBMISSION: \_\_\_\_\_

OFFICE USE

AUTHORISED BY: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO COUNCIL'S DIRECTOR OF CORPORATE & COMMUNITY SERVICES.

