ATTACHMENTS



FINANCE & POLICY COMMITTEE MEETING AGENDA

THURSDAY 8 OCTOBER 2015

~ REFERENCE TO ATTACHMENTS ~

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COBAR SHIRE COUNCIL



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

FILE: P5-4

Responsible Officer: Director Corporate and Community Services

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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);
 - o Conference and seminar expenses;
 - o Training and skill development expenses;
 - o Interstate and overseas travel expenses (including subsistence and out-of-pocket expenses);
 - o 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. <u>CITATION</u>

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 25th November 1999; This policy was revised by Council on 24th August 2000; This policy was revised by Council on 26th June 2001; This policy was revised by Council on 15th April 2004; This policy was revised by Council on 27th January 2005; This policy was revised by Council on 22nd February 2007; This policy was revised by Council on 25th March 2010; This policy was revised by Council on 28th April 2011; This policy was revised by Council on 24th 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; This policy will be revised by Council in September 2015.

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. <u>ATTENDANCE AT CONFERENCES/SEMINARS & OTHER MEETINGS</u>

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

8. 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 estimated out-of-pocket expenses may be paid to an attendee in advance, subject to a reconciliation statement, verification of expenses and the refund of any unexpended amount being submitted within a reasonable period after the close of the conference, seminar or function.

9. CATEGORIES OF PAYMENT OR REIMBURSEMENT

Subject to nomination in accordance with the provisions of Clause 4, the categories of payment or reimbursement are as follows:

(a) Professional Development

- Councillor training and development must be provided for in a separate policy with a separate provision in Council's Budget for the payment of training and development expenses for Councillors.
- It is essential that the expenses incurred for training or education courses must directly relate to the Councillor's civic functions and responsibilities.

(b) <u>Travel</u>

- 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.
- Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle, subject to prior approval from the General Manager. Persons using private vehicles will be paid the mileage allowance at the then current rate set by the appropriate Local Government Industrial Award, but subject to any such payment not exceeding economy class air fares to and from the particular destination.
- Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending Council business will be reimbursed by the Council.

(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;

- Reasonable accommodation costs before and/or after Council Meetings, Committee Meetings or other official duties;
- A mobile telephone, with the Mayor to reimburse Council for the cost of all private calls, to be itemised on the telephone account on a monthly basis;
- Provision of a motor vehicle for all uses, and to be made available for the use by Councillors and staff on Council business, approved by the General Manager. The Mayor is required to reimburse Council for all private fuel used, and to keep the vehicle in a clean condition.

NOTE: The residence is the ordinary place of residence determined by the Councillor and is not necessarily the residential address shown on the electoral roll.

11. DEPUTY MAYOR AND COUNCILLORS

The Councillors, including the Deputy Mayor, are to receive the following benefits each year:

- Payment of annual fees in accordance with Sections 248 and 249 of the Act, as determined by Council annually and paid monthly in arrears;
- Use of Council Chambers, telephone and limited hospitality facilities;
- Executive support services relating to the discharge of his/her Civic function, including use of official stationery;
- Postage of official correspondence dealing with Council business;
- Access to facsimile and photocopying facilities;
- Transport to official functions (if needed) when deputising for the Mayor;
- Supply of name badges, business cards, diaries and memo books;
- Travelling expense reimbursement for attendance at Council Meetings where travel of in excess of ten (10) km from Councillor's residence is involved;
- Reasonable accommodation costs before and/or after Council Meetings, Committee Meetings or other official duties.

NOTE: The residence is the ordinary place of residence determined by the Councillor and is not necessarily the residential address shown on the electoral roll.

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 following:
 - 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.
- e) 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	
	Max	Maximum Annual Expense Limits		
Agreed training				
Mandatory Councillor Information sessions	\$23,000 in total per annum			
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

Cobar Shire Council Payment of Expenses & Provision of Facilities to Mayor and Councillors Policy
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Mayor requires approval, it should be given jointly by the Deputy Mayor (or another councillor) and the General Manager;

- The approved Councillor Claim Form is to be used for all claims (see attached);
- Claims are to be submitted not later than three (3) months after the expenses were incurred;
- Refer to 7. Expenses Incurred on page 6 of this document.

16. RETURN OF EQUIPMENT AND FACILITIES

The Mayor and Councillors are required to 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.

17. DISPUTE RESOLUTION

Should dispute(s) arise about the provision of expenses and facilities the matter is to be resolved by determination of the General Manager, in compliance with Council's Policy, in the first instance. Should the Councillor consider the General Manager's determination to be incorrect then the matter shall be reported for determination by the full Council at the next available Council Meeting.

18. RELEVANT DOCUMENTS

- Local Government Act 1993 (Local Government Amendment Act 2005);
- Local Government Regulation 2005;
- DLG Circular 08/24 Misuse of Council Resources;
- DLG Circular 08/37 Council Decision Making Prior to Ordinary Elections;
- DLG Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW;
- DLG Circular 11/27 Findings from Review of Councillor Expenses and Facilities Policies.

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 COUNC	CILLOR:						
CLAIM FOR THE	MONTH OF:						
1. CLAIM FOR F	PRIVATE CAR EXPENSES TO ATTEND COU	NCIL MEETINGS A	AND APPROVED I	FUNCTIONS			
	s than 2.5 litres are calculated at a rate of 0.7 litres or more are calculated at a rate of 0.80						
JOB NUMBER 10014							
DATE	DESCRIPTION OF CLAIM	NO OF KM	RATE / KM	AMOUNT			
			SUB TOTAL				
			30B TOTAL				
2. CLAIM FOR I	REIMBURSEMENT OF EXPENSES INCURRE	D ON COUNCIL B	USINESS				
JOB NUMBER 10	015						
DATE	DESCRIPTION OF	CLAIM		AMOUNT			
			SUB TOTAL				
TOTAL CLAIM							
1. SUB TOTAL							
2. SUB TOTAL							
			TOTAL CLAIM				
DECLARATION	DECLARATION						
COUNCILLOR SIG	GNATURE:						
	DATE OF SUBMISSION:						
OFFICE USE							
AUTHORISED BY	AUTHORISED BY:						

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

AMENDMENT LIST

POLICY PAYMENT OF EXPENSES & PROVISION OF FACILITIES TO MAYOR & COUNCILLORS

DATE ADOPTED	MINUTE Number	DATE COMMENCED	NOTIFIED IN LOCAL PAPER
26.02.2009	6.2.2009	27.02.2009	N/A
25.3.2010	19.3.2010	26.3.2010	N/A
28.4.2011	73.4.2011	29.4.2011	N/A
24.05.2012	106.5.2012	25.05.2012	Yes
25 10 2012	275.10.2012	26.10.2012	Yes
24 10 2013	244.10.2013	25.10.2013	Yes
25.09.2014	183.9.2014	26.09.2014	N/A
	26.02.2009 25.3.2010 28.4.2011 24.05.2012 25 10 2012 24 10 2013	DATE ADOPTED NUMBER 26.02.2009 6.2.2009 25.3.2010 19.3.2010 28.4.2011 73.4.2011 24.05.2012 106.5.2012 25 10 2012 275.10.2012 24 10 2013 244.10.2013	DATE ADOPTED NUMBER COMMENCED 26.02.2009 6.2.2009 27.02.2009 25.3.2010 19.3.2010 26.3.2010 28.4.2011 73.4.2011 29.4.2011 24.05.2012 106.5.2012 25.05.2012 25 10 2012 275.10.2012 26.10.2012 24 10 2013 244.10.2013 25.10.2013

COBAR SHIRE COUNCIL



Work Health & Safety Policy

(formerly OHS Policy)

FILE: P5-37

Responsible Officer: Human Resources Manager

POLICY STATEMENT

Cobar Shire Council is committed to providing a safe and healthy working environment for all workers, and other persons, so far as reasonably practicable. This will be achieved by management and employees working together, following a program of health and safety activities and procedures which are monitored, reviewed and audited to achieve best practice.

POLICY REVIEW

Cobar Shire Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

SCOPE

This policy applies to:

- all employees of Cobar Shire Council (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Cobar Shire Council (for example contractors, subcontractors, agents, consultants and temporary staff) (collectively referred to as "workers"), and
- all of Cobar Shire Council's workplaces and to other places where workers may be working or representing Cobar Shire Council for example, when visiting a customer, client or supplier (collectively referred to as 'workplace').

HEALTH AND SAFETY SYSTEM

The Work Health and Safety system relates to all aspects of health and safety including (without limitation):

- WHS Strategy Plan
- Defined WHS Responsibilities
- Exercising due diligence
- Health and safety training and education
- Adopting a risk management approach to manage health and safety risks
- Consultation with Persons Carrying on a Business or Undertaking (PCBUs) and employees on matters related to health and safety
- Emergency procedures and drills
- Workplace inspections
- Incident/accident reporting
- Management of injured employees.

HEALTH AND SAFETY OBJECTIVES

- To provide a safe and healthy work environment for all our employees, contractors and other persons
- To provide safe and healthy methods of work
- To provide programs of health and safety activities and procedures which are continually updated and effectively carried out

- To identify and eliminate or reduce hazards and risks to health and safety
- To continually monitor and improve work health and safety
- To provide education and training resources
- To comply with all relevant laws, rules, standards and codes of practice.

MANAGEMENT RESPONSIBILITIES

All Officers, Directors, Managers and Supervisors/Team Leaders are responsible and accountable for the safety of employees, contractors and company property under their control so far as reasonably practicable. Managers and Supervisors/Team Leaders are responsible for ensuring all policies, procedures, safe work practices and safe work procedures are followed at all times.

EMPLOYEE RESPONSIBILITIES

All employees are required to comply with health and safety legislation and Cobar Shire Council's policies and procedures by taking reasonable care that their acts or omissions do not adversely affect their health or safety and that of other persons. Employees must report all hazards and incidents to their supervisors as soon as practically possible to ensure their own health and safety and the health and safety of others in our workplace, including contractors and third parties.

CONTRACTORS

All contractors engaged to perform work for Cobar Shire Council are required to comply with the health and safety legislation as amended from time to time, the policy, programs and procedures of Cobar Shire Council as they relate to work health and safety and to observe all directions on health and safety given by management. Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

DEFINITIONS

In this policy

'Person Carrying on a Business or Undertaking' means an individual or organisation that arranges, directs or influences work to be done or contributes something towards the work being done. It can include partners in partnerships, sole traders, trustees of trusts or committee members of unincorporated associations, public or private companies and incorporated associations.

ature

Amendment List

Number	DATE ADOPTED	MINUTE NUMBER	DATE COMMENCED
1	24.2.2000	59.02.00	25.02.2000
2	25.09.2003	225.09.03	26.09.2003
3	24.11.2005	339.11.05	25.11.2005
4	22.4.2010	35.4.2010	23.4.2010
5			
	\$		

General Rates, Water Access, Sewer, Domestic Waste, Interest & Legal Costs Rate Arrears 2015-2016

200000.00

100000.00

0.00

Jun-15

JUL

AUG

SEP

OCT

VOV

DEC

JAN

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MAR

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NO

300000.00

400000.00

600000.00

500000.00

■2015 ■2014 ■2013 □2012 ■2012

5,000,000.00 6,000,000.00 7,000,000.00 4,000,000.00 2,000,000.00 3,000,000.00 1,000,000.00 Total Rates Outstanding
General Rates, Water Access, Water Usage, Sewer Access, Domestic Waste, Legal Costs, Interest

0.00

1-Jul

JUL

AUG

SEP

OCT

VOV

DEC

JAN

FEB

MAR

APR

MAY

NUC

Balance Outstanding 2014-2014

Balance Outstanding 2015-2016