

DRAFT POLICY FOR PAYMENT OF EXPENSES & PROVISION OF FACILITIES FOR THE ADMINISTRATOR

Date Adopted:	
Council or Corporate Policy	Council Policy
Responsible Division:	Inner West Council
Supporting documents, procedures & forms of this policy:	Expenses Claim Form
References & Legislation:	Local Government Act 1993

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1 Purpose of Policy

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

2 Statements Applying to the Policy

Statement disallowing the payment of a general allowance to the Administrator

In accordance with Clause 403 of the Local Government (General) Regulation this policy does not include any provision to pay the Administrator an allowance in the nature of a general expense allowance.

Statement about Hospitality/Gifts and Benefits Provided by the Administrator to Others to be of Token Value Only

In circumstances where it is appropriate for the Administrator to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts should be of token value (valued under \$50.00) for eg. ties, scarves, coasters, tie pins, diaries, chocolates or flowers. A written request should be made to the Interim General Manager setting out the reasons for the request and any supporting documentation (eg correspondence). The Interim General Manager is responsible for approval of requests.

Statement in relation to Private Benefit

The Administrator should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to a compensatory payment. Where more substantial private use has occurred the Administrator must reimburse Council for the actual cost to Council of the private use in question.

Approval Process

Unless otherwise stated in the policy, requests for facilities or reimbursement or expenses shall be made to the Interim General Manager. All requests will be determined by the Interim General Manager as soon as practicable following advice (from another officer of Council) that the facility or reimbursement is authorised by this Policy.

3 Definitions

Word/Term	Definition (with examples if required)
Private Benefit	Obtaining a financial gain from the use of facilities provided to the Administrator to undertake their civic duties
Subsistence	A daily allowance for food and incidental expenses when travelling to and from a Conference.
Carers Expenses	The expense in arranging another person to take care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions.

4 The Administrator

Section 258 of the Local Government Act 1993 requires Council to pay a salary to the Administrator. The amount of the salary is to be determined by the NSW Governor.

In addition to the salary payable, the Administrator is eligible to receive the benefit of the following facilities:

- * Office space at the three council Administration buildings – of a standard appropriate to the Administrator status for carrying out civic functions.
- * Secretarial Assistance for official secretarial support duties, stationery, business cards, fax, photocopier, telephone and fridge.
- * Refreshments for official Administrator functions.
- * Transport on request to and from Council and Committee meetings, official Civic Events and for other Council business. Cabcharges will be provided as required.
- * Vehicle Allowance is paid at the Local Government Award Rate to the Administrator for use of their private vehicle for attendance to official Council business, including meetings and civic events.

- * Parking Facilities at the three council Administration Buildings including parking permits.
- * Refreshments will be provided prior to Council and Committee Meetings as necessary for the Administrator and senior staff.
- * Personal computer or laptop at the request of the Administrator. Where the Administrator pays for their own internet access they will be entitled to be reimbursed for the amount of the plan up to the total of \$100.00 per month. Anything above the monthly limit of \$100.00 per month will be deducted from the Administrator's allowance. Should the Administrator's civic related expenses exceed this amount, they will need to submit a claim for reimbursement verifying the total Council related costs to claim reimbursement (subject to the abovementioned monthly limits).
- * Tablet computer with mobile data access at the request of the Administrator to enable the delivery of electronic business papers, Council documents, mobile communication and other information access. Where the Administrator provides their own tablet and pays for their own data access, they will be entitled to be reimbursed for the amount of their data plan, up to \$500 per year.

Mobile Phone

A mobile phone and standard accessories will be provided to the Administrator on request, with the cost of the phone and other set up costs being met by Council. Allowance of \$150 per month is provided for ongoing plan costs. If the Administrator uses their own mobile phone then monthly invoices are to be provided to the Interim General Manager detailing civic related expenses for reimbursement. Should the Administrator's civic related expenses exceed the monthly phone allowance, they will need to submit a claim for reimbursement using the appropriate form.

Multifunction Device

The Administrator will be provided with an office standard multifunction device that can print/copy/scan upon request.

Time Limit

A three (3) month time limit applies for claims for any expenses/reimbursement provided under this policy.

5 Conferences and Seminars

The Administrator may attend conferences and seminars locally or interstate. Attendance at conferences and the like are to be reported to a meeting of the Council. If this is not possible (due to lack of time) then approval shall be sought from the Interim General Manager and then reported back to the next available meeting. Expenses for attending conferences will be met in accordance with the following criteria:-

Travel – economy class air travel will be arranged and paid for by Council for delegates to and from the conference town/city.

Vehicle Hire – The Administrator will be reimbursed for reasonable car hire expenses for the duration of the conference.

Accommodation – accommodation to a reasonable scale will be booked and paid by Council. Such accommodation will be arranged for each night of the conference, and the nights before and after, as may be necessary due to travel arrangements.

Subsistence – A daily travel allowance as outlined below is payable to the Administrator where travel for Council business involves an overnight stay;

- Breakfast	\$26.00
- Lunch	\$29.00
- Dinner	\$50.00
- Incidentals	\$25.00

Should the conference or accommodation packages include the provision of these meals, then that meal allowance cannot be claimed. Incidentals costs are paid for overnight stays. An itemised list of subsistence payments will be submitted to the Administrator who is attending a conference or seminar at least one week prior to attending an event.

Reconciliation of Advance Subsistence Payment

Where a subsistence allowance has been paid in advance, staff will reconcile with the Administrator to ensure that the Administrator repay any monies owed to Council.

Partners Expenses

Limited expenses incurred by spouses/partners associated with attendance at the NSW Local Government Association annual conference will be met by Council. These expenses will be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses and the cost of partner tours etc will, on request, be booked by Council and paid by the Administrator.

The payment of expenses for spouses/partners attending official appropriate functions within the local government area or when accompanying the Administrator will be met by Council but confined specifically to the ticket, meal and/or the direct cost of attending the function.

6 Carers Expenses

An allowance of up to \$4,000 per annum is available for the reimbursement of the cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions.

A formal claim (with receipts attached) must be lodged with the Interim General Manager no later than 1 month after the expense has been incurred. In the event, carer expenses exceed \$4,000 reimbursement will be provided subject to the submission of a formal claim (with receipts attached) within one month of the expense being incurred and verification the expense was incurred in order to attend official civic duties.

Reasonable expenses to also be met for the provision of carer/support during the attendance at the LGNSW Annual Conference on behalf of Council. Should this involve the payment of partners expenses to provide such support the Interim General Manager's authority will be up to and including 50% of that persons expenses in travel, accommodation and meals.

7 Training

Council provides for training and development courses that are directly related to the Administrator's civic functions and responsibilities. Requests to attend training and education courses must be submitted to the Interim General Manager outlining the details of the proposed training or education, the benefits to Council and how it relates to the Administrator's civic functions and responsibilities. Requests will then be determined by the Interim General Manager.

8 Legal Expenses

Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Administrator. This may include circumstances in which a matter does not proceed to a finding. Council must not meet the legal costs of legal proceedings initiated by the Administrator under any circumstances. Council must not meet the legal costs of the Administrator seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. Legal costs must not be met for legal proceedings that do not involve the Administrator performing their role as the Administrator.

(1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

(a) the Administrator defending an action arising from the performance in good faith of a function under the Local Government Act; or

(b) the Administrator 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;

(c) the Administrator for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the investigative or review body makes a finding substantially favourable to the Administrator.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of the Administrator's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

(2) In the case of a conduct complaint made against the Administrator, legal costs will only be paid where a finding is made that the Administrator has been found not to breach the Code of Conduct.

(3) In the case of a pecuniary interest or misbehaviour matter, legal costs will only be paid where a finding is made that the Administrator has been found not to breach the relevant legislation.

(4) Legal expenses incurred in relation to proceedings arising out of the performance by the Administrator of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that the Administrator has done during his or her term in office. For example, expenses arising from an investigation as to whether the Administrator acted corruptly would not be covered by this section.

(5) Council will not meet the costs of an action in defamation taken by the Administrator as plaintiff in any circumstances and will not meet the costs of the Administrator seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

(6) Council will not meet the legal costs of legal proceedings initiated by the Administrator under any circumstance.

(7) Reimbursement of expenses for reasonable legal expenses must be reported to a Council Meeting prior to costs being reimbursed.

9 Insurance

Insurance provision for the Administrator includes;

- Public liability (for matters arising out of the Administrator's performance of their civic duties and/or exercise of their Council functions);
- Professional indemnity (for matters arising out of the Administrator's

performance of their civic duties and/or exercise of their functions)

- Personal injury while on Council business. Note; The Administrator is not covered by workers compensation payments or arrangements.
- Travel insurance (where applicable) for approved interstate and overseas travel on Council business

All insurances are subject to any limitations or conditions set out in the Council's policy of insurance.

10 Approval Process for Reimbursement

The following reconciliation and reimbursement processes are covered in the Policy and summarised below;

- Internet

Where the Administrator pays for their own home internet access they will be entitled to be reimbursed for the amount of the cost of the plan (subject to providing a copy of a monthly tax invoice) (up to \$100.00 per month). Where the Administrator provides their own tablet and pays for their own data access, they will be entitled to be reimbursed for the amount of their data plan, up to \$360 per year.

- Mobile phone

A monthly phone allowance is available for the Administrator's mobile phone costs of up to \$150 per month. If the Administrator uses their own phone equipment then monthly invoices are to be provided to the Interim General Manager detailing civic related expenses for reimbursement. Should the Administrator's civic related expenses exceed the monthly phone allowance, they will need to submit a claim for reimbursement using the appropriate form.

- Carer arrangements/expenses

An allowance of up to \$4,000 per annum is available for the reimbursement of the cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of the Administrator, to allow the Administrator to attend Council, Committee and other meetings, official civic and ceremonial functions. In the event, carer expenses exceed the annual limit, reimbursement will be provided subject to the submission of a formal claim (with receipts attached) within one month of the expense being incurred and verification the expense was incurred in order to attend official civic duties.

- Conferences

Reimbursement of expenses will be provided upon submission of receipts.

- Cabcharge

Individual cabcharge costs (where applicable) are forwarded to the Administrator each month for them to identify Council or private use. Any private use costs is to be deducted from the Administrator's allowance.

11 Policy Review

Each year as required by Section 252 and 253 of the Local Government Act 1993.

12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1			
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3			
4			