

# Illawarra Shoalhaven Joint Organisation Board Manual

## Expenses and Facilities Policy

Adopted 20 September 2018



## Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to the ISJO voting board members including the chairperson to help them to cover any needs associated with the exercise by of their joint organisation functions that are not otherwise covered under their member councils' expenses and facilities policies.

ISJO Board members are not entitled to make a claim under this policy where the claim has been covered under a member council's policy and vice versa.

The policy ensures accountability and transparency, and seeks to align councillor delegate expenses and facilities with community expectations. Councillor delegates must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW and the Guidelines for the establishment of Joint Organisations.

The policy sets out when ISJO will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Councillor delegates must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillor delegates will be publicly tabled at a council meeting every six months and published in full on ISJO's website. These reports will include expenditure summarised by individual councillor delegates and as a total for all councillor delegates.

### 1. PART A – INTRODUCTION

#### 2. Introduction

- 2.1 The provision of expenses and facilities enables councillor delegates to fulfil their civic duties as the nominated delegates to the Illawarra Shoalhaven Joint Organisation (ISJO).
- 2.2 The community is entitled to know the extent of expenses paid to councillor delegates, as well as the facilities provided.
- 2.3 The purpose of this policy is to clearly state the facilities and support that are available to councillor delegates to assist them in fulfilling their joint organisation duties.
- 2.4 ISJO staff are empowered to question or refuse a request for payment from a councillor delegate when it does not accord with this policy.

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2.5 Expenses and facilities provided by this policy are in addition to fees paid to councillors by their respective councils.

### 3. Policy Objectives

3.1 The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillor delegates while undertaking their civic duties as an ISJO delegate
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties as an ISJO delegate
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillor delegates
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the ISJO's statutory responsibilities.

### 4. Principles

4.1 The ISJO commits to the following principles:

- **Proper conduct:** councillor delegates and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillor delegates to be reimbursed for expenses reasonably incurred as part of their role as delegate
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a delegate
- **Equity:** there must be equitable access to expenses and facilities for all councillor delegates
- **Appropriate use of resources:** providing clear direction on the appropriate use of the ISJO resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to delegates

### 5. Private or political benefit

5.1 Councillor delegates must not obtain private or political benefit from any expense or facility provided under this policy.

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5.2 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of the ISJO resources and equipment for campaigning
- use of official ISJO letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

## **PART B – EXPENSES**

### **6. General expenses**

6.1 All expenses provided under this policy will be for a purpose specific to the functions of councillor delegates to the ISJO Board. Allowances for general expenses are not permitted under this policy.

6.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### **7. Specific expenses**

#### **7.1 General travel arrangements and expenses**

In the first instance, all travel expenses by councillor delegates should be reimbursed through their member council Expenses and Facilities policy. ISJO will not pay any traffic or parking fines or administrative charges for road toll accounts.

7.2 Interstate, overseas and long distance intrastate travel expenses Councillor delegates seeking approval for any interstate and long distance intrastate travel relating to ISJO business must obtain approval of the ISJO Board prior to travel.

#### **7.3 Accommodation and meals**

In circumstances where it would introduce undue risk for a councillor delegate to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor delegate lives more than 50 kilometres from the meeting location.

#### **7.5 Refreshments at ISJO related meetings**

Host councils are to provide appropriate refreshments when they host ISJO Board meetings.

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The ISJO will be responsible for providing appropriate refreshments outside of board meetings hosted by member councils – committee meetings, briefings, engagements or official ISJO functions as approved by the Chief Executive. As an indicative guide for the standard of refreshments to be provided at ISJO related meetings, the Chief Executive must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

#### 7.6 Professional development

The ISJO will facilitate professional development for councillor delegates from time to time as appropriate.

#### 7.7 Conferences and seminars

The ISJO Board may approve attendance at conferences or seminars from time to time as appropriate. Approval to attend a conference or seminar is subject to relevance of the topics to current regional priorities and to assist the councillor delegate with ISJO Board duties.

7.8 The ISJO will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Board. The ISJO will also meet the reasonable cost of meals when they are not included in the conference fees.

#### 7.9 Special requirement and carer expenses

If special requirement or carer expenses are not met by member council reimbursement policies, the Chief Executive may authorise the provision of reasonable additional facilities and expenses in order to allow a voting councillor delegate perform their ISJO Board duties.

### 8. Insurances

Representatives of members of the board and staff of the Illawarra Shoalhaven Joint Organisation are protected from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

### 9. Legal Assistance

9.1 ISJO may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a councillor delegate defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
- a councillor delegate 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 and the outcome of the legal proceedings is favourable to the councillor delegate

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- a councillor delegate 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 matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor delegate.

9.2 In the case of a code of conduct complaint made against a councillor delegate, legal costs will only be made available where the matter has been referred by the Chief Executive to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor delegate.

9.3 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor delegate of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor delegate has done during his or her term on the ISJO Board. For example, expenses arising from an investigation as to whether a councillor delegate acted corruptly would not be covered by this section.

9.4 ISJO will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor delegate performing their role as a delegate.

9.5 Reimbursement of expenses for reasonable legal expenses must have approval by way of a resolution at an ISJO Board meeting prior to costs being incurred.

## **PART C – FACILITIES**

### **10. General Facilities for all Councillor Delegates**

10.1 The ISJO will provide administrative support to councillor delegates to assist them with their Board duties only. Administrative support may be provided by ISJO staff as arranged by the Chief Executive or their delegate.

10.2 As per Section 4, ISJO staff are expected to assist councillor delegates with ISJO Board duties only, and not assist with matters of personal or political interest, including campaigning.

## **PART D – PROCESSES**

### **11. Approval, payment, and reimbursement Arrangements**

11.1 Expenses should only be incurred by councillor delegates in accordance with the provisions of this policy.

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11.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

11.3 Final approval for payments made under this policy will be granted by the Chief Executive or their delegate.

### **Direct payment**

11.4 ISJO may approve and directly pay expenses. Requests for direct payment must be submitted to the Chief Executive or delegated official for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

### **Reimbursement**

11.5 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Chief Executive or delegated official.

### **Notification**

11.6 If a claim is approved, the ISJO will make payment directly or reimburse the councillor delegate through accounts payable.

If a claim is refused, the ISJO will inform the councillor delegate in writing that the claim has been refused and the reason for the refusal.

### **Timeframe for reimbursement**

11.8 Unless otherwise specified in this policy, councillor delegates must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

### **Disputes**

11.9 If a councillor delegate disputes a determination under this policy, the councillor delegate should discuss the matter with the Chief Executive.

If the councillor delegate and the Chief Executive cannot resolve the dispute, the councillor delegate may submit a notice of motion to an ISJO board meeting seeking to have the dispute resolved.

### **Publication**

11.10 This policy will be published on the ISJO website.

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## Reporting

11.11 The ISJO will report on the provision of expenses and facilities to councillor delegates as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to councillor delegates will be publicly tabled at the ISJO annual general meeting and published in full on the ISJO's website. These reports will include expenditure summarised by individual councillor delegates and as a total for all councillor delegates.

## Auditing

11.12 The operation of this policy, including claims made under the policy, will be included in the ISJO periodic audit program.

## Breaches

11.13 Suspected breaches of this policy are to be reported to the Chief Executive.

Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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