



# Illawarra Shoalhaven Joint Organisation Expenses and Facilities Policy

## Policy Summary

This policy enables the reasonable and appropriate provision of facilities to ISJO voting board members including the chairperson as well as reimbursement for expenses consequent upon the exercising of joint organisation functions that are not otherwise covered under Member Council 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. Board 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 operation 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.

Board voting 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 prepared from time to time. These reports will include expenditure reimbursements by individual councillor delegates as well 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 Board 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 Board 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 Board delegate when it does not accord with this policy.
- 2.5 Expenses and facilities provided by this policy are in addition to fees paid to councillors by their respective councils.

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Date:	20 September 2018	Review Date	Annually on 1 December	Doc ID:	
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### 3. Policy Objectives

3.1 The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Board delegates while undertaking their civic duties as an ISJO delegate
- enable facilities of a reasonable and appropriate standard to be provided to Board delegates to support them in undertaking their 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 Board delegates 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:** Board delegates and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for Board 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 Board 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 Board delegates must not obtain private or political benefit from any expense or facility provided under this policy.

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

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- 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 Board 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 Board delegates should be reimbursed through their member council Expenses and Facilities policy. The 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

Board 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 Board 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 9.00 pm or starts earlier than 7.00 am and the Board delegate lives more than fifty (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.

The ISJO will be responsible for providing appropriate refreshments outside of Board Meetings hosted by member councils including committee meetings, workshops, 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 may be found in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

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## 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 Board member 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 Board member 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 Board member
- a Board member defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Board member
- a Board member 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.

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- 9.2 In the case of a code of conduct complaint made against a Board member, 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 Board member.
- 9.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Board member 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 Board member 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 Board member 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 Board member 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 Board members 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 Board member 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.
- 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.

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## 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 Board member through accounts payable.

If a claim is refused, the ISJO will inform the Board member 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 Board member disputes a determination under this policy, the councillor delegate should discuss the matter with the Chief Executive.

If the Board member and the Chief Executive cannot resolve the dispute, the Board member 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.

## Reporting

11.11 The ISJO will report on the provision of expenses and facilities to Board member as and when required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to Board members 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.

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## Auditing

11.12 The operation of this policy, including claims made under the policy, will be included in the ISJO annual external audit process.

## 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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