



# NORTHERN RIVERS

JOINT ORGANISATION



# EXPENSES AND FACILITIES POLICY

ADOPTED BY THE NORTHERN RIVERS JOINT ORGANISATION ON 2 DECEMBER 2022

**Publication**

A copy of this document must be made publicly available on the website of the Northern Rivers Joint Organisation ('NRJO').

**Document review frequency**

Within the first twelve (12) months of a local government election.

**Document control and approval of revisions**

All amendments to this document, other than minor administrative amendments, must be adopted by the board of the NRJO and a summary recorded in the table below.

Minor administrative amendments (i.e typographical errors and updating hyperlinks) may be made at any time with approval from the Executive Officer.

<b>Version</b>	<b>Purpose and description of amendment</b>	<b>Person responsible</b>	<b>Reviewed</b>	<b>Date NRJO approved</b>
1.0	Draft policy developed and adopted.			08-11-2019
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## Contents

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<b>Part A – Introduction</b>	1
1. Policy Statement	1
2. Policy principles	2
3. Private or political benefit	3
<b>Part B – Expenses</b>	3
4. General expenses	3
5. Specific expenses	3
6. Chairperson’s allowance	6
7. Insurances	6
8. Legal assistance	6
<b>Part C – Facilities</b>	7
9. General facilities for all councillors	7
<b>Part D – Processes</b>	8
10. Approval, payment and reimbursement arrangements	8
11. Disputes	9
12. Return or retention of facilities	9
13. Publication	9
14. Reporting	10
15. Auditing	10
16. Breaches	10
<b>PART E – Appendices</b>	11
Appendix I: Related legislation, guidance and policies	11
Appendix II: Definitions	12

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## Part A – Introduction

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### 1. Policy Statement

#### 1.1. This policy –

- (a) Enables the reasonable and appropriate reimbursement of expenses and provision of facilities to voting representatives on the board of the NRJO that are requested by the board or the Executive Officer to undertake additional duties outside those ordinarily required of a voting representative that are not covered under the relevant council member’s policy for reimbursement of expenses and provision of facilities.

**NOTE –**

*The reimbursement of expenses and provision of facilities related to the duties ordinarily undertaken by a voting representative is to be made in accordance with the applicable policy of the relevant member council.*

- (b) Ensures accountability and transparency and seeks to align expenses and facilities of voting representatives with community expectations. Voting representatives must not obtain private or political benefit from any expense or facility provided under this policy.
- (c) Ensures the NRJO’s statutory responsibilities are fulfilled.
- (d) Has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (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](#).
- (e) Sets out the maximum amounts the NRJO will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

#### 1.2. The main expenses and facilities are summarised in the table below (monetary amounts are exclusive of GST) and are subject to the following –

- (a) Additional costs incurred by a voting representative in excess of these limits are considered a personal expense that is the responsibility of the voting representative.
- (b) The Executive Officer is empowered to question or refuse a request for payment from a voting representative when it does not accord with this policy.
- (c) Voting representatives must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.
- (d) Detailed reports on the provision of expenses and facilities to voting representatives will be publicly tabled at a board meeting every six months and published in full on the NRJO’s website. These reports will include expenditure summarised by individual and as a total for all voting representatives.

Expense or facility	Maximum amount	Frequency
Accommodation and meals	The Taxation Determination for reasonable travel and meal allowances issued by the ATO for the relevant financial year will be	Per meal/night

Expense or facility	Maximum amount	Frequency
	used as a <i>guide</i> for determining maximum expenditure	
Carer expenses	As per the applicable Board approved budget.	Per year
Professional development	Nil.	N/A
Conferences and seminars	\$12,250 total for all voting representatives	Per year

## 2. Policy principles

2.1. The NRJO commits to the following principles:

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

### **3. Private or political benefit**

- 3.1. Voting representatives must not obtain private or political benefit from any expense or facility provided under this policy.
- 3.2. Private use of NRJO equipment and facilities by voting representatives may occur from time to time. For example, telephoning home to advise that a board meeting will run later than expected.
- 3.3. Such incidental private use does not require a compensatory payment back to the NRJO.
- 3.4. Voting representatives should avoid obtaining any greater private benefit from the NRJO than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of NRJO facilities does occur, voting representatives must reimburse the NRJO.
- 3.5. 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 NRJO resources and equipment for campaigning
  - use of official NRJO letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

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## **Part B – Expenses**

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### **4. General expenses**

- 4.1. All expenses provided under this policy will be for a purpose specific to the functions of the NRJO. Allowances for general expenses are not permitted under this policy.
- 4.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

### **5. Specific expenses**

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

- 5.1. Travel expenses incurred by voting representatives attending meetings of the NRJO will be reimbursed by the voting representative's member Council, in accordance with the respective member council's expenses and facilities policy.
- 5.2. All travel by voting representatives should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 5.3. Each voting representative may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW on behalf of the NRJO. This includes reimbursement:
  - for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for NRJO and other meetings
  - for tolls
  - by Cabcharge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.

- 5.4. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 5.5. Voting representatives seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

#### **Interstate, overseas and long distance intrastate travel expenses**

- 5.6. Given the NRJO's location near an interstate border, travel to South East Queensland will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 5.1-5.4.
- 5.7. The NRJO will scrutinise the value and need for voting representatives to undertake overseas travel. The NRJO should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the NRJO and the local communities of its member councils. This includes travel to sister and friendship cities.
- 5.8. Total interstate, overseas and long-distance intrastate travel expenses for all councillors will be capped at a maximum amount as determined in the NRJO's annual budget.
- 5.9. Voting representatives seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval by resolution of, the board of the NRJO prior to travel.
- 5.10. The case should include:
  - objectives to be achieved in travel, including an explanation of how the travel aligns with current NRJO priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the voting representative's civic duties
  - who is to take part in the travel
  - duration and itinerary of travel
  - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 5.11. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 5.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 5.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 5.14. Bookings for approved air travel are to be made through the Executive Officer's office.
- 5.15. For air travel that is reimbursed as NRJO business, voting representative's will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

#### **Travel expenses not paid by the NRJO**

- 5.16. The NRJO will not pay any traffic or parking fines or administrative charges for road toll accounts.

#### **Accommodation and meals**

- 5.17. In circumstances where it would introduce undue risk for a voting representative to travel to or from official business on behalf of the NRJO 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 Executive Officer.

- 5.18. The NRJO will reimburse costs for accommodation and meals while voting representatives are undertaking prior approved travel or professional development on behalf of the NRJO outside the geographical boundaries of its member councils.
- 5.19. In determining daily limits for accommodation and meal expenses within Australia regard will be had to (but not strictly limited to) the amounts the Taxation Commissioner considers reasonable as set out in the Taxation Determination ('TD') issued by the Australian Taxation Office ('ATO') for the relevant financial year.
- 5.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Executive Officer, being mindful of Clause 5.19.

#### **Refreshments for NRJO related meetings**

- 5.21. Appropriate refreshments will be available for board meetings, NRJO committee meetings, briefings, approved meetings and engagements, and official NRJO functions as approved by the Executive Officer.
- 5.22. As an indicative guide for the standard of refreshments to be provided at NRJO related meetings, the Executive Officer should be mindful of (but not strictly limited to) the amounts the Taxation Commissioner considers reasonable for meals as set out in the Taxation Determination ('TD') issued by the Australian Taxation Office ('ATO') for the relevant financial year.

#### **Professional development**

- 5.23. Professional development of voting representatives through programs, training, and education courses is to be covered by the voting representative's member council.

#### **Conferences and seminars**

- 5.24. The NRJO will set aside a total amount of \$12,250 annually in its budget to facilitate attendance at conferences and seminars by voting representatives. This allocation is for all voting representatives. The Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 5.25. Approval to attend a conference or seminar is subject to a written request to the Executive Officer. In assessing a request, the Executive Officer must consider factors including the:
- relevance of the topics and presenters to current NRJO priorities and business
  - cost of the conference or seminar in relation to the total remaining budget.
- 5.26. The NRJO will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Executive Officer. The NRJO will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 5.18-5.21.

#### **Special requirement and carer expenses**

- 5.27. The NRJO encourages wide participation and interest in civic office. It will seek to ensure premises and associated facilities used by the NRJO are accessible, including provision for sight or hearing-impaired voting representatives and those with other disabilities.
- 5.28. In addition to the provisions above, the Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a voting representative with a disability to perform their civic duties.
- 5.29. Voting representatives who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.



- 5.30. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 5.31. In the event of caring for an adult person, voting representatives will need to provide suitable evidence to the executive officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

## **6. Chairperson's allowance**

- 6.1. In accordance with Board Resolution 16082019/4, the chairperson is entitled to an annual allowance for representative duties on behalf of the NRJO of \$10,000 per annum paid quarterly.

## **7. Insurances**

- 7.1. In accordance with Section 382 of the Local Government Act, the NRJO is insured against public liability and professional indemnity claims. Voting representatives are included as a named insured on this Policy.
- 7.2. Professional Indemnity and Public Liability Insurance –
- (a) protection is only provided if a claim arises out of or in connection with the voting representative's performance of his or her civic duties, or exercise of his or her functions as a voting representative.
  - (b) All insurances are subject to any limitations or conditions set out in the policies of insurance.
  - (c) No benefit, irrespective of insurance cover, is provided in relation to an action by one voting representative against another voting representative or a voting representative against an employee of the NRJO.
- 7.3. Statutory Liability –
- (a) provides protection against fines or penalties arising out of breaches of legislation together with the legal costs incurred in defending the NRJO as an entity, including voting representatives and officers, so long as the act was not willfully committed.
  - (b) Cover extends to costs incurred before an individual is named in proceedings. Thereafter costs are dealt with under the Board Members and Officers Liability policy.
- 7.4. Board Members and Officers' Liability (including Employment Practices Liability) –
- (a) covers expenses incurred by voting representative in respect of claims made against them for any alleged wrongful acts arising out of or in connection with the exercise of their official duties.
- 7.5. The NRJO will pay the insurance policy excess in respect of any claim accepted by the NRJO's insurers, whether defended or not.

## **8. Legal assistance**

- 8.1. The NRJO may, if requested, indemnify or reimburse the reasonable legal expenses of a voting representative:
- defending an action arising from the performance in good faith of a function under section 731 of the Local Government Act provided that the outcome of the legal proceedings is favourable to the voting representative.
  - 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 voting representative

- 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 voting representative. Investigative or review bodies may include:
    - (a) NSW Civil and Administrative Tribunal
    - (b) Independent Commission Against Corruption
    - (c) Office of the NSW Ombudsman
    - (d) Office of Local Government
    - (e) NSW Police Force
    - (f) Director of Public Prosecutions
    - (g) The NRJO's Conduct Review Committee/Reviewer
- 8.2. In the case of a code of conduct complaint made against a voting representative, legal costs will only be made available where the matter has been referred by the Executive Officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the voting representative. However –
- (a) Legal costs will not be made available to a voting representative regarding a code of conduct complaint alleging pecuniary interest or misbehaviour, unless the Office of Local Government has commenced a formal investigation and the formal investigation makes a finding favourable to the voting representative.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a voting representative of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a voting representative has done during his or her term in office. For example, expenses arising from an investigation as to whether a voting representative acted corruptly would not be covered by this section.
- 8.4. The NRJO will not meet the legal costs:
- of legal proceedings initiated by a voting representative under any circumstances
  - of a voting representative 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 voting representative performing their role as a voting representative of the NRJO.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have NRJO approval by way of a resolution at a board meeting prior to costs being incurred.

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## **Part C – Facilities**

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### **9. General facilities for all councillors**

#### **Facilities**

- 9.1. The NRJO will provide the following facilities to voting representatives to assist them to effectively discharge their civic duties:
- access to a shared meeting space for meetings of the NRJO and its committees.
  - access to shared car parking spaces while attending meetings of the NRJO
  - personal protective equipment for use during site visits

- a name badge which may be worn at official functions, indicating that the wearer holds the office of a voting representative or board member of the NRJO.
- 9.2. Voting representatives may book meeting rooms for official business of the NRJO in a specified council building of a member council at no cost.
- 9.3. The provision of facilities will be of a standard deemed by the Executive Officer as appropriate for the purpose.

### **Stationery**

- 9.4. The Joint Organisation will provide the following stationery to voting representatives on request:
- letterhead, to be used only for correspondence associated with civic duties
  - business cards

### **Administrative support**

- 9.5. The Executive Officer will ensure that adequate administrative support is provided to voting representatives to assist them with their obligations to the NRJO only. Administrative support may be provided by staff in the Executive Officer's office or by a member council's administrative staff as arranged by the Executive Officer or their delegate.
- 9.6. NRJO staff are expected to assist voting representatives with civic duties only, and not assist with matters of personal or political interest, including campaigning.

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## **Part D – Processes**

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### **10. Approval, payment and reimbursement arrangements**

- 10.1. Expenses should only be incurred by voting representatives in accordance with the provisions of this policy.
- 10.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 10.3. Final approval for payments made under this policy will be granted by the Executive Officer or their delegate.

#### **Direct payment**

- 10.4. The NRJO may approve and directly pay expenses. Requests for direct payment must be submitted to the Executive Officer or their delegate 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**

- 10.5. 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 Executive Officer or their delegate.

#### **Advance payment**

- 10.6. The NRJO may pay a cash advance for voting representatives attending approved conferences, seminars, workshops or functions on behalf of the NRJO.
- 10.7. The maximum value of a cash advance is \$100 per day of the conference, seminar, workshop or function to a maximum of \$500.

- 10.8. Requests for advance payment must be submitted to the Executive Officer or their delegate for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 10.9. Voting representatives must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to the NRJO:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
  - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

### **Notification**

- 10.10. If a claim is approved, the NRJO will make payment directly or reimburse the voting representative through accounts payable.
- 10.11. If a claim is refused, the NRJO will inform the voting representative in writing that the claim has been refused and the reason for the refusal.

### **Reimbursement to the NRJO**

- 10.12. If the NRJO has incurred an expense on behalf of a voting representative that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- The NRJO will invoice the voting representative for the expense
  - the voting representative will reimburse the NRJO for that expense within 14 days of the invoice date.
- 10.13. If the voting representative cannot reimburse the NRJO within 14 days of the invoice date, they are to submit a written explanation to the Executive Officer.

### **Timeframe for reimbursement**

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

## **11. Disputes**

- 11.1. If a voting representative disputes a determination under this policy, the voting representative should discuss the matter with the Executive Officer.
- 11.2. If the voting representative and the Executive Officer cannot resolve the dispute, the voting representative may submit a notice of motion to a board meeting seeking to have the dispute resolved.

## **12. Return or retention of facilities**

- 12.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a voting representative ceasing to hold office or at the cessation of their civic duties.

## **13. Publication**

- 13.1. This policy will be published on the NRJO's website.

## **14. Reporting**

- 14.1. The NRJO will report on the provision of expenses and facilities to voting representatives as required in the Act and Regulations.
- 14.2. Detailed reports on the provision of expenses and facilities to voting representative will be publicly tabled at a NRJO board meeting every six months and published in full on the NRJO's website. These reports will include expenditure summarised by individual voting representative and as a total for all voting representatives.

## **15. Auditing**

- 15.1. The operation of this policy, including claims made under the policy, will be included in the NRJOs audit program and an audit undertaken at least every two years.

## **16. Breaches**

- 16.1. Suspected breaches of this policy are to be reported to the Executive Officer.
- 16.2. 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.

**Appendix I: Related legislation, guidance and policies****Relevant legislation and guidance:**

- *Local Government Act 1993*, Sections 252 and 253
- *Local Government (General) Regulation 2021*, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 Legal assistance for Councillors and Council Employees.
- Local Government Circular 11-27 Findings from review of councillor expenses and facilities policies
- Local Government Circular 17-17 Councillor expenses and facilities policy – Better practice template

**Related Council policies:**

- Code of Conduct
- Revenue Policy

## Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a voting representative
appropriate refreshments	Means food and beverages provided by the NRJO to support voting representatives undertaking official business
Act	Means the <i>Local Government Act 1993 (NSW)</i>
board	Means the governing body composed of the voting representatives of the NRJO
Chairperson	Means the voting representative elected as chairperson of the NRJO in accordance with Schedule 7A of the <i>Local Government (General) Regulation 2021 (NSW)</i>
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by the NRJO or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
Executive Officer	Means the executive officer of the NRJO and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in clause 1.
Member council	Those councils identified as voting members in the NRJO Charter.
NRJO	Northern Rivers Joint Organisation
NSW	New South Wales
official business	Means functions that the voting representatives are required or invited to attend to fulfil their legislated role and responsibilities for the NRJO or result in a direct benefit for NRJO and/or for the local government areas of its member councils, and includes: <ul style="list-style-type: none"> <li>• meetings of the NRJO and committees of the whole</li> <li>• meetings of committees facilitated by the NRJO</li> <li>• civic receptions hosted or sponsored by the NRJO</li> <li>• meetings, functions, workshops and other events to which attendance by a voting representative has been requested or approved by the NRJO</li> </ul>
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a voting representative
Regulation	Means the <i>Local Government (General) Regulation 2021 (NSW)</i>
voting representative	Means a Councillor of a member council appointed to the board of the NRJO

year	Means the financial year, that is the 12 month period commencing on 1 July each year
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