
Payment of expenses and provision of facilities policy

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council publicly exhibit the revised 'Councillor fees, expenses and facilities' policy (**Attachment 3**) for a period of 28 days, and:

1. Should no public submission be received, the following policies be revoked and the revised 'Councillor fees, expenses and facilities' policy is adopted:
 - (a) 'Chairperson and member fees' policy dated 21 December 2016; and
 - (b) 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017,and any policies revived as a result of the revocation.
2. Should any public submission be received, those submissions be considered by Council at its next meeting in conjunction with consideration of revoking the above policies and adopting a revised 'Councillor fees, expenses and facilities' policy.

Background

Council is required by legislation to adopt a policy for the payment of expenses or the provision of facilities to councillors within the first 12 months of each term of council.¹

Council's existing 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017 is now due for review and the revised policy required to be adopted prior to 4 December 2022.

All amendments to the revised 'Councillor fees, expenses and facilities' policy attached to this report have been made as a 'tracked change' for ease of reference.

Summary of key changes

1. Payment of annual fees:

The 'Chairperson and member fees' policy dated 21 December 2016 provides for the fixing of the annual fee payable to the Chairperson and Councillors at the maximum of the Remuneration Tribunal's annual determination.²

This policy position has been consolidated into the revised 'Councillor fees, expenses and facilities' policy as it complements the new provisions relating to the payment of superannuation contributions to councillors and there is no legislative requirement that Council maintain a separate policy for the payment of the annual fee.

2. Superannuation contributions:

The amendments to the *Local Government Act 1993* ('LG Act') relating to the payment of superannuation contributions to councillors was reported to Council at its meeting on 15 June 2022 (Attachment 4).

¹ [Division 5, Part 2, Chapter 9](#) *Local Government Act 1993* (NSW)

² See sections [248](#) and [249](#) *ibid.*

At that meeting, a majority of those present voted, in open session, in favour (4:2) of making these payments from 1 July 2022. This resolution has now been captured in the revised 'Councillor fees, expenses and facilities' policy and reflects the requirements of the LG Act.

Finance

Council's Long-Term Financial Plan has dedicated budget funding allocated for both the payment of Councillor fees and Councillor superannuation contributions and is in a position to meet these required payments from a financial sustainability perspective.

Legal

Discussion and adoption of a policy for the payment of expenses and the provision of facilities to councillors must be made in open council and cannot be closed to the public.³

Staff are satisfied that the proposed policy meets the requirements of the *LG Act 1993* and the *Local Government (General) Regulation 2021*.

If council does not 'fix' the annual fee, the applicable fee is the minimum determined by the Remuneration Tribunal (section 248 *Local Government Act 1993*).

Council is not permitted to make a superannuation contribution payment to a Councillor who has agreed in writing to forgo or reduce the payment.⁴ Council has received written notice from Cr Big Rob and Cr Andrew Gordon advising of their intention to forgo payment of a superannuation contribution.

Consultation

Council is required to invite public submissions for a period of 28 days on its proposed policy for the payment of expenses and the provision of facilities to councillors prior to adopting or amending the policy.⁵

Conclusion

The revised 'Councillor fees, expenses and facilities' policy has been reviewed and drafted to meet legislative requirements and is recommended for adoption subject to the public notice/exhibit requirements and receipt of any public submissions.

Attachment

1. 'Chairperson and member fees' policy dated 21 December 2016 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-SYW-55-40-21>
2. 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-WQC-76-61-32>
3. Revised 'Councillor fees, expenses and facilities' policy (**for adoption**);
4. Copy council report – Payment of superannuation for councillors

³ [Section 254](#) Ibid.

⁴ [Section 254B](#)(4)(c) Ibid.

⁵ [Section 253](#) Ibid.