

Board member expenses and facilities policy

Purpose

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

Scope

All expenses provided under this policy will be for a purpose specific to the functions of a Riverina Water board member including the chairperson. Allowances for general expense are not permitted under this policy.

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

Definitions

Term	Definition
Accompanying person	Means a spouse, partner or other person who has a close personal relationship with, or provides carer support to, a board member
Appropriate refreshments	Means food and beverages, provided by Riverina Water to support board members undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Board	The appointed governing body of Riverina Water – the Board
Board member	A councillor from a Riverina Water constituent council that has been appointed to the Board of Riverina Water who is not suspended - includes the chairperson
CEO	Means the Chief Executive Officer of Riverina Water and includes their delegate or authorised representative
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the <i>Code of Conduct Policy 1.01</i>

Council	Riverina Water County Council, also referred to in this policy as Riverina Water
DCS	Means the Director Corporate Services of Riverina Water 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 <i>Code of Conduct</i>
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
official business	Means functions that the chairperson or board members are required or invited to attend to fulfil their legislated role and responsibilities for Riverina Water or result in a direct benefit for Riverina Water and/or for the Riverina Water service area, and includes: <ul style="list-style-type: none"> • meetings of the board and committees of the whole • meetings of committees facilitated by Riverina Water • official functions hosted or sponsored by Riverina Water • meetings, functions, workshops and other events to which attendance by a board member has been requested or approved by the board
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a board member or the chairperson
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year

1.0 Payment of Expenses – General Provisions

1.1 General expenses

This policy sets levels of expenses and facilities to realistically account for costs incurred by board members and the chairperson independent of the level of their annual fees.

1.2 Allowances and expenses

The Local Government Remuneration Tribunal annually determines the minimum and maximum limit of fees payable to the chairperson and board members.

1.2.1 The board will review the fees and expenses paid to or facilities provided for the chairperson and members in June each year and determine the amounts to be paid for the ensuing year. The annual fee for the chairperson and board members will be paid in monthly instalments in arrears.

1.2.2 Vehicle expenses to official Riverina Water functions by car will be determined by the rates provided in Riverina Water's Award and will be paid monthly in arrears. This will be applicable to board members that do not reside in the Local Government Area where the function is being held.

1.2.3 Where a board member ceases to be the chairperson, the fee to be paid will be calculated on a daily basis for the proportion of the month that the board member remained the chairperson. Similarly, where a board member is elected chairperson, the fee to be paid will be calculated on a daily basis for the proportion of the month in which the board member became chairperson.

1.3 Reimbursement and reconciliation of expenses

Actual expenses incurred by board members in carrying out civic duty are only reimbursed upon the production of appropriate receipts, tax invoices and other documentation. Expenses and costs incurred must be in accordance with the requirements of this policy and any fringe benefit guidelines.

2.0 Payment of Expenses – Specific expenses

2.1 General travel arrangements and expenses

All travel by board members should be undertaken using the most direct route and the most practicable and economical mode of transport.

2.1.1 If required, a Riverina Water vehicle will be made available for the use of board members for official business. Where this is not possible, an allowance will be paid for use of private vehicles.

2.1.2 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

2.1.3 Board members will be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars. This includes reimbursement:

- for public transport fares
- for the use of a private vehicle or hire car
- for parking costs for board and other meetings
- for tolls
- by Cabcharge card or equivalent
- for documented ride-share programs, such as Uber, where tax invoices can be issued.

2.1.4 Board members seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Copies of the relevant logbook are to be provided if requested to support travel claims.

2.2 Travel expenses not paid by Riverina Water

2.2.1 The driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or Riverina Water-owned vehicles and should abide by Riverina Water's *Safe Driving Policy*.

2.2.2 Riverina Water will not pay any traffic or parking fines or administrative charges for road toll accounts.

2.3 Overseas travel expenses

2.3.1 Overseas travel should be avoided unless direct and tangible benefits can be established for Riverina Water and the local community. Travel must be approved on an individual trip basis.

2.3.2 Board members seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full board meeting prior to travel.

The details to be included in the business paper are: the board member undertaking the trip; purpose of the trip and expected benefits. The duration, itinerary and approximate costs should also be provided. The report should also include any inherent risks that might be associated with the trip.

2.3.3 Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.

2.3.4 Details of overseas travel is included in Riverina Water's annual report and board members are strongly encouraged to report on their overseas travel to a full meeting of the Board following the trip.

2.4 Interstate or long-distance intrastate travel

Board members planning any interstate and long-distance intrastate travel must obtain the approval of the CEO prior to travel.

2.5 Air Travel

2.5.1 For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

2.5.2 For interstate and intrastate journeys by air, the class of air travel is to be economy class, unless an option of premium economy is available and has been approved by the CEO.

2.5.3 Bookings for approved air travel are to be made through the CEO's office.

2.5.4 For air travel that is reimbursed as Riverina Water business, board members are not to accrue points from the airline's frequent flyer program. This is considered a private benefit.

2.6 Accommodation and meals

2.6.1 In circumstances where it would introduce undue risk for a board member 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 official business may be approved by the CEO. This includes where a meeting finishes later than 9.00pm or starts earlier

than 7.00am and the board member lives more than 50 kilometres from the meeting location.

2.6.2 Costs for accommodation and meals while board members are undertaking prior-approved travel or professional development outside the Riverina Water area will be reimbursed.

2.6.3 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in *Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Award 2022*, as adjusted annually.

2.6.4 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance.

2.7 Refreshments for council-related meetings

2.7.1 Appropriate refreshments will be made available for board meetings, committee meetings, board member briefings, approved meetings and engagements, and official Riverina Water functions as approved by the CEO.

2.7.2 As an indicative guide for the standard of refreshments to be provided at council related meetings, the CEO must be mindful of *Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Award 2022*, as adjusted annually.

2.8 Professional development

2.8.1 Funding will be set aside annually in Riverina Water's budget to facilitate professional development of board members through programs, training, education courses and membership of professional bodies as required.

2.8.2 In the first year of a new board term, Riverina Water will provide an induction program for all board members considering any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to any ongoing professional development funding.

2.8.3 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the board member's duties, the board member actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.



2.8.4 Approval for professional development activities is subject to a prior written request to the CEO.

2.8.5 All travel, accommodation and training fees, as well as approved incidental expenses will be met by Riverina Water.

2.9 Conferences and seminars

2.9.1 Board members may be required to represent Riverina Water from time to time at seminars and conferences. Decisions regarding attendance at conferences and seminars will be made at board meetings.

2.9.2 All travel, accommodation and seminar/conference fees, as well as incidental expenses, will be met by Riverina Water. Arrangements are normally made through the CEO's office.

2.9.3 Riverina Water will also meet the reasonable cost of meals when they are not included in the conference fees. Receipts of purchases are required for reimbursement.

2.9.4 If meals are included in the conference, claims for meals at other venues will not be paid.

2.10 Spouse and partner expenses

2.10.1 There may be limited instances where certain costs incurred by the board member on behalf of their spouse, partner or accompanying person are properly those of the board member in the performance of their functions. An accompanying person is a person who has a close personal relationship with the board member, and /or provides carer support to the board member. Requests for spouse, partner or accompanying person expenses should be submitted to the CEO for review and approval if deemed appropriate.

2.10.2 Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc are the personal responsibility of board members.

2.11 Attendance at dinners and other non-council functions

2.11.1 Consideration will be given to meeting the cost of board member's attendance at dinners and other non-council-related functions which provide briefings to board members from key members of the community, politicians and business. Approval to meet expenses will only be given when the function is relevant to Riverina Water's interests.

2.11.2 No payment will be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party or some other private benefit.

2.12 Information and communications technology (ICT) expenses

Riverina Water will reimburse board members for expenses associated with the use of appropriate ICT devices and services in the course of their Riverina Water responsibilities. Claims are to be supported by receipts.

2.13 Carer expenses

2.13.1 Riverina Water will reimburse the reasonable cost of carer arrangements for board members who are the principal carer of a child or elderly, disabled and/or sick immediate family member to enable them to undertake their board obligations.

2.13.2 In the event of caring for an adult person, board members will need to provide suitable evidence to the CEO that reimbursement is applicable. This may take the form of advice from a medical practitioner.

2.14 Home office expenses

A board member may be reimbursed for reasonable costs for consumables such as printer ink cartridges used in the course of their formal duties.

3.0 Insurances

3.1 Board members' insurance

3.1.1 In accordance with Section 382 of the *Local Government Act*, Riverina Water is insured for public liability and professional indemnity claims. Members of the Board are insured on this Policy as well as the Councillors & Officers insurance policy.

3.1.2 Insurance protection is only provided if a claim arises out of or in connection with the board member's performance of his or her duties, or exercise of his or her functions as a board member. All insurances are subject to any limitations or conditions set out in the policies of insurance. If a claim arises under the Councillors and Officers policy, it must be notified to Riverina Water's insurer within the policy period. If it is not, the insurer is able to deny liability.

3.1.3 Riverina Water will pay the insurance policy excess in respect of any claim accepted by Riverina Water's insurers, whether defended or not.

Commented [BC1]: Should just also be clear that if a claim arises under the Councillor's and Officers policy, that it must be notified to insurer within the policy period. If it is not, insurer able to deny liability.

3.1.4 Appropriate travel insurances will be provided for any board member travelling on approved interstate and overseas travel on Riverina Water business.

4.0 Legal assistance

4.1 Board members' legal assistance

4.1.1 Riverina Water may, if requested, and after seeking advice from its insurers, indemnify or reimburse the reasonable legal expenses of:

4.1.1.1 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.

4.1.1.2 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.

4.1.1.2 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 board member.

4.1.2 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 CEO 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.

4.1.3 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 board member has done during his or her term in office. For example, expenses arising from an investigation as to whether a board member acted corruptly would not be covered by this section.

4.1.4 Riverina Water will not meet the legal costs:

4.1.4.1 of a board member seeking advice in respect of making a possible defamation case against a party, or in seeking a non-litigious remedy for possible defamation

Commented [BC2]: @Wendy Reichelt - I might need to chat to you about some of this as some of this is covered under the Councillor's and Officer's Insurance policy - may need to be careful about agreeing to paying legal fees where this contravenes our obligations or prejudices our insurer. What we should probably say is that we would give every assistance offered through our insurers or something similar?

Commented [WR3R2]: @Beth Cullen I believe this is in the model policy but happy to amend as necessary. Let's catch up about this.

Commented [WR4R2]: @Andrew Crakanthorp - Beth and I have discussed. There is no certainty that the insurer would pay ahead of granting indemnity - do you want to have any conditions on "may" or are you happy to retain this as may.

Commented [WR5R2]: Have now aded "and after seeking advice from its insurers" so this should cover any concerns

Commented [BC6]: We would still need to notify our insurers of this event and there may be assistance provided, so unsure if this is contradictory? Perhaps what was intended here was when the Councillor has been defamed. We would not pay. Consider making this clearer. This sceanario is not covered under the Councillor's and Officers Policy. Only where Councillor has been accused of defaming an individual.

Commented [WR7R6]: @ Beth - would the inserted wording suffice?

Commented [8R6]: It should be.....Of a board member seeking advice in respect of bringing defamation proceedings against a third party.

Commented [AC9R6]: I agree with the suggested wording from Beth

4.1.4.2 for legal proceedings that do not involve a board member performing their role as a member of the board.

4.1.5 Reimbursement of expenses for reasonable legal expenses must have board approval by way of a resolution at a board meeting prior to costs being incurred.

5.0 Provision of facilities

5.1 General Provision of Facilities

Board members are provided with access and use of the following to discharge their official duties:

- Access to a room suitably furnished for use by all board members
- Access to a motor vehicle for the purpose of attending conferences, seminars, official functions or meetings outside of Wagga Wagga
- Use of Riverina Water photocopiers, telephones, computers, and associated equipment in the course of undertaking official business

5.2 Accessible facilities

5.2.1 Riverina Water encourages wide participation and interest in membership of the board. It will seek to ensure Riverina Water premises and associated facilities are accessible, including provision for sight or hearing- impaired board members and those with other special requirements.

5.2.2 Transportation provisions outlined in this policy will also assist board members who may be unable to drive a vehicle.

5.2.3 In addition to the provisions above, the CEO may authorise the provision of reasonable additional facilities and expenses to allow a board member with special requirements to perform their official duties.

5.3 Stationery

Board members will be provided with business cards and name badge for official business.

5.4 Provision of ICT Equipment and support

Board members will be issued with an iPad for official use, and IT support will be provided to assist board members with IT matters as required to conduct their official Riverina Water duties.

5.5 Return or retention of ICT equipment

5.5.1 All equipment supplied under this policy is to be relinquished immediately upon a board member or chairperson ceasing to hold office or at the cessation of their civic duties.

5.5.2 Should a board member or chairperson desire to keep any equipment allocated by Riverina Water, then this policy enables the board member to make application to the CEO to purchase any such equipment. The CEO will determine an agreed fair market price or written down value for the item of equipment.

5.5.3 The prices for all equipment purchased by board members under Clause 5.5.2 will be recorded in Riverina Water's annual report.

5.6 Administrative support

The chairperson will be provided administrative support in relation to official correspondence.

5.7 Sustenance/Meals

5.7.1 Board members will, at the discretion of the CEO, be provided with a meal and/or refreshments in conjunction with their attendance at board meetings, or at any official ceremony or gathering authorised by the board, or the chairperson, or in carrying out their responsibilities, including meetings with residents, customers or guests of Riverina Water.

6.0 Administrative processes

6.1 Approval, payment and reimbursement arrangements

6.1.1 Expenses are only to be incurred by board members in accordance with the provisions of this policy.

6.1.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred. For exceptions, refer to 6.1.3

6.1.3 Approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business



- carer costs

6.1.4 Approval of board members to attend conferences and other Riverina Water business that involves travel and/or accommodation should be, where possible, approved by a full meeting of the Board. If this is not possible, the approval should be given jointly by the chairperson and the CEO.

6.1.5 If the chairperson requires approval to travel outside of board meetings, it should be given jointly by the deputy chairperson, or another board member, if the deputy chairperson is unavailable, and the CEO.

6.2 Direct payment

Riverina Water may approve and directly pay expenses. Requests for direct payment must be submitted to the CEO or DCS for assessment against this policy, with sufficient information and time to allow for the claim to be assessed and processed.

6.3 Reimbursement

6.3.1 All claims for reimbursement of expenses incurred must be supported by appropriate receipts and/or tax invoices and be submitted to the CEO or DCS. The supporting documentation should be dated and show details of the nature of the transaction if possible.

6.3.2 Expenses claimed but not supported with receipts will not be paid, unless authorised by the CEO.

6.3.3 Unless otherwise specified in this policy, board members must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time may not be approved.

6.4 Reimbursement to Riverina Water

If Riverina Water has incurred an expense on behalf of a board member that exceeds reasonable incidental private use or is not provided for in this policy, the board member will be invoiced for the expense.

Alternatively, the CEO may deduct the amount from the board member's allowance.



6.5 Disputes

If a board member disputes a determination under this policy, the board member should discuss the matter with the CEO. If the board member and the CEO cannot resolve the dispute, the board member may submit a notice of motion to a board meeting seeking to have the dispute resolved.

Policy Implementation and reporting

This policy will be reviewed by all board members through attachment to a report, published on Riverina Water's website and internally on the intranet.

Riverina Water will report on the provision of expenses and facilities to board members as required in the Act and Regulations.

Non Compliance

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

Policy number	1.10
Responsible area	CEO - Governance
Approved by	Riverina Water Board
Approval date	27 Feb 2025 – Res 25/004
Legislation or related strategy	<p><i>Local Government Act 1993, sections 252 and 253</i></p> <p><i>Local Government (General) Regulation 2021, clauses 217 and 403</i></p> <p>Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009</p> <p><i>Code of Conduct Policy 1.01</i></p>
Documents associated with this policy	<p>Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities</p> <p>Local Government Circular 05-08 legal assistance for Councillors and Council Employees.</p>
Policy history	<p>Original publication date: August 1997</p> <p>Reviewed annually from 2005 – 2016</p> <p>October 2016 – Res 16/189</p> <p>Last review date Vers 14 27 April 2022 – Res 22/045</p>
Review schedule	First 12 months of new Board

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.



END OF POLICY STATEMENT