Council Policy 82

Councillor Expenses and Facilities

Application	Councillors/General Manager/Corporate Services
Responsible Officer	General Manager
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Authorised by	Council
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Purpose

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

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

Definitions

TERM	DEFINITION
Accompanying Person	Spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
Appropriate Refreshments	food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	*Local Government Act 1993 (NSW)*
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	The Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	A person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	The general manager of Council including their delegate or authorised representative
Incidental Personal Use	Use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long Distance Intrastate Travel	Travel to other parts of NSW of more than three hours duration by private vehicle
Maximum Limit	the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
Official Business	Functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
Professional Development	Seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	*Local Government (General) Regulation 2021*
Year	The financial year, that is the 12 month period commencing on 1 July each year

Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- *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.

Policy Statement

This policy 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.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

General travel expenses	$1,500.00 per councillor $4,000.00 for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	$2,500.00 total for all councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	$2,500.00 per councillor	Per year
Conferences and seminars	$8,500.00 total for all councillors	Per year
ICT expenses	$200.00 per councillor	Per year
Carer expenses	$1,000.00 per councillor	Per year
Access to facilities in a Councillor common room	Provided to all councillors	Not relevant
Furnished office	Provided to the mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the mayor and councillors	Not relevant

Individual reimbursements for accommodation and meals will be as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually.

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors 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 councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

PART A: INTRODUCTION

Introduction

The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Carrathool Shire Council.

The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.

The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.

Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.

Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

Policy objectives

The objectives of this policy are to:

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

Principles

Council commits to the following principles:

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

Private or political benefit

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

Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

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

PART B: EXPENSES

GENERAL EXPENSES

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

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

SPECIFIC EXPENSES

General travel arrangements and expenses

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

Each councillor may be reimbursed up to a total of $1,500.00 per year, and the mayor may be reimbursed up to a total of $3,000.00 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:

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

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

Councillors 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 & LONG DISTANCE INTRASTATE TRAVEL EXPENSES

In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance

intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.

Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of $2,500.00 per year. This amount will be set aside in Council's annual budget.

Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.

The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor'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.

For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

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

Bookings for approved air travel are to be made through the general manager's office.

For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

TRAVEL EXPENSES NOT PAID BY COUNCIL

Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

In circumstances where it would introduce undue risk for a councillor 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 general manager. This includes where a meeting finishes later that 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.

Council will reimburse actual costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Riverina.

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) Reviewed Award 2009, as adjusted annually.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.

Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.

As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

PROFESSIONAL DEVELOPMENT

Council will set aside $1,000.00 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.

In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

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

Approval for professional development activities is subject to a prior written request to the general manager outlining the:

- details of the proposed professional development
- relevance to council priorities and business
- relevance to the exercise of the councillor's civic duties.

In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will set aside a total amount of $8,000.00 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council 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 6.18-6.21.

Information and communications technology (ICT) expenses

Council will provide or reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of $200.00 per annum for each councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.

Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:

- receiving and reading council business papers
- relevant phone calls and correspondence
- diary and appointment management.

Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

Special requirement and carer expenses

Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing-impaired councillors and those with other disabilities.

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

In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.

Councillors 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 up to a maximum of $1,000.00 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

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

Insurances

In accordance with section 382 *Local Government Act 1993*, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

Legal assistance

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

- a councillor 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 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
- a councillor 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.

In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager 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.

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

Council 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 performing their role as a councillor.

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

PART C: FACILITIES

GENERAL FACILITIES FOR ALL COUNCILLORS

Facilities

Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- a councillor common room appropriately furnished to include telephone, desks, and appropriate refreshments (excluding alcohol)
- access to shared car parking spaces while attending council offices on official business
- 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 councillor and/or mayor or deputy mayor.

Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the mayor's office or other specified staff member.

The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

Stationery

Council will provide the following stationery to councillors each year:

- letterhead, to be used only for correspondence associated with civic duties
- business cards

Administrative support

Council will provide administrative support to councillors to assist them with their civic duties. Administrative support may be provided by a member of council's administrative staff as arranged by the general manager or their delegate.

As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Additional facilities for the mayor

Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.

In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the general manager.

As per Section 4, staff assisting the mayor are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

PART D: PROCESSES

Approval, payment and reimbursement arrangements

Expenses should only be incurred by councillors in accordance with the provisions of this policy.

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

Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- ICT expenditure.

Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the general manager 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

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 general manager.

Notification

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

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

Reimbursement to council

If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- council will invoice the councillor for the expense
- the councillor will reimburse council for that expense within 14 days of the invoice date.

If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

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

Disputes

If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.

If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

Return or retention of facilities

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

Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

Publication

This policy will be published on council's website.

Reporting

Council will report on the provision of expenses and facilities to councillors as required in the Act and the Regulation.

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

Auditing

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

Breaches

Suspected breaches of this policy are to be reported to the general manager.

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.

Revision Table

Minute / Date	Amendment Summary	Reason or Reference
0251/21.09.04	New policy LGA s.252	Statutory
0835/15.11.05	Annual review	Statutory
1322/17.10.06	Annual review	Statutory
1351/21.11.06	New DLG Guidelines	Statutory
1618/17.07.07	New model template	Statutory
1884/18.03.08	Superannuation clause	Statutory
0458/17.11.09	New DLG Guidelines	Statutory
0781/21.09.10	Update travel rates & delete 2 organisations	Statutory
1146/20.09.11	Update travel rates & include Care expenses	Statutory
0096/20.11.12	Update rates, include i-pads, + appendix	Statutory
0433/19.11.13	Annual review	Statutory
0846/21.10.14	Annual review	Statutory
1178/20.10.15	Rate Limits	Statutory review
0060/15.11.16	Rate Limits include Meals	Statutory review
0450/20.02.18	Amend using OLG template and update to fit Council's current budget and circumstances	Statutory review
0766/20.11.18	Minor amendments to budget amounts	Statutory Review
1169/19.11.19	Annual Review	Statutory Review
1429/15.09.20	Annual Review – No changes	Statutory Review
0069/15.02.22	Removal of Appendix III	Statutory Review
0435/21.02.2023	Annual Review – no changes	Statutory Review
0793/20.02.2024	Annual Review – formatting changes	Statutory Review
0092/17.12.2024	Review after local government election	Updated details of legislation

Associated Documents

- Code of Conduct
- Communication Devices Policy

Review

This policy may be amended from time to time and will be reviewed within one year of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.