

COBAR SHIRE COUNCIL



Payment of Expenses & Provision of Facilities to Mayor and Councillors Policy

FILE: P5-4

**Responsible Officer: Director Finance and
Community Services**

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
INTRODUCTION	3
PART 1 – PRELIMINARY	5
1. CITATION	5
2. COMMENCEMENT AND POLICY REVIEW	5
3. PURPOSE OF THE POLICY	5
4. POLICY OBJECTIVES	6
5. PRINCIPLES.....	6
6. PRIVATE OR POLITICAL BENEFIT	6
PART 2 – EXPENSES/CONFERENCES/SEMINARS & OFFICIAL DELEGATE DUTIES	8
7. GENERAL EXPENSES.....	8
8. SPECIFIC EXPENSES/ EXPENSES INCURRED	8
9. TRAVEL EXPENSES NOT PAID BY COUNCIL.....	9
ATTENDANCE AT CONFERENCES/SEMINARS & OTHER MEETINGS	9
10. WHAT CONFERENCES AND SEMINARS MAY BE ATTENDED	9
11. REGISTRATION.....	10
12. PAYMENT IN ADVANCE.....	10
13. CATEGORIES OF PAYMENT OR REIMBURSEMENT	11
PART 3 – FACILITIES FOR MAYOR AND COUNCILLORS	13
10. MAYOR.....	13
11. DEPUTY MAYOR AND COUNCILLORS.....	14
12. FACILITIES.....	14
13. INSURANCE & LEGAL ASSISTANCE.....	15
14. ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS	18
15. PRIVATE BENEFIT.....	18
16. APPROVAL RECONCILIATION AND REIMBURSEMENT	19
17. RETURN OF EQUIPMENT AND FACILITIES	19
18. DISPUTE RESOLUTION	19
19. RELEVANT DOCUMENTS	19
20. BREACHES	19
DEFINITIONS.....	20

INTRODUCTION

This Policy is made under the *Local Government Act 1993* and directly relates to Sections 252 and 253 of the Act and the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW*. The Act requires Council to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

In accordance with Clause 403 of the *Local Government Regulation 2005*, the Policy for Payment of Expenses and Provision of Facilities to Mayor and Councillors does not include provision for a general expense allowance. It is not appropriate or lawful for Councils to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees.

Clause 217 of the *Local Government Regulation 2005* requires a Council to include in its Annual Report:

- Total cost of expenses and the provision of facilities for the mayor and all Councillors, as well as:
 - Cost of the provision of dedicated office equipment allocated to Councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines, and Internet installed in the Councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment (such as calls);
 - Cost of phone calls including mobiles, home located landlines, facsimile and internet service;
 - Spouse/partner/accompanying person expenses (limited to circumstances outlined below);
 - Conference and seminar expenses;
 - Training and skill development expenses;
 - Interstate and overseas travel expenses (including subsistence and out-of-pocket expenses);
 - Care and other related expenses (of dependent to enable a councillor to undertake his/her civic functions).

Spouse/partner/accompanying person

There are limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. (An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor).

1. Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature is considered appropriate when accompanying Councillors within the Local Government area.

-
2. Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW Annual Conference may be met by Council. Expenses are limited to cost of registration and official conference dinners – travel expenses, additional accommodation expenses and cost of partner tours would be the personal responsibility of individual Councillors.
 3. Consideration should be given to payment of expenses for spouse, partner or accompanying person of the mayor (or a Councillor when they are representing the mayor) when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor (or a councillor when they are representing the mayor) outside Council's area, but within the State.
 4. Council shall not pay the costs and expenses of any spouses, partners or accompanying persons who accompany a Councillor at any event or function outside the Council area, including interstate or overseas, other than in clauses 2 and 3 above.
 5. The cost of spouses, partners or accompanying persons accompanying Councillors to seminars and conferences and the like, other than in clauses 2 and 3 above, is not to be met by Council.

PUBLICATION

Schedule 1 of the *Government Information (Public Access) Act 2009* provides for the public to be able to inspect, during office hours, at the Council, and at no charge, the current version and the immediately preceding version of the Council's expenses and facilities policy. The public is entitled to a copy of the policy, either free of charge or on payment of a reasonable copying charge.

This Policy will be published on Council's Website.

PART 1 – PRELIMINARY

1. CITATION

This 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.

The Policy will be cited as the “Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy”.

2. COMMENCEMENT AND POLICY REVIEW

Council is required to review the policy within 12 months of an Ordinary Council Election.

3. PURPOSE OF THE POLICY

- 3.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Cobar Shire Council.
- 3.1 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 3.2 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.
- 3.3 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 3.4 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.

4. **POLICY OBJECTIVES**

4.1 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.

5. **PRINCIPLES**

5.1 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.

6. **PRIVATE OR POLITICAL BENEFIT**

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

6.2 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.

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

-
- 6.4 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.
- 6.5 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 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 2 – EXPENSES/CONFERENCES/SEMINARS & OFFICIAL DELEGATE DUTIES

PART 2 APPLIES TO:

(a) Councillors nominated to attend conferences, seminars and similar functions by:

- The Council, through resolution duly taken;
- The Mayor, acting within his/her delegated authorities and subject to due budget requirements being adhered to.

In addition, the Mayor may nominate a substitute attendee in his or her stead for functions within the Council area or the general regional area on those occasions where the Mayor is unable to be in attendance.

(b) Councillors appointed as official Council Delegates to attend meetings/functions of external organisations of which Council is a member.

(c) Administrators of Councils (if appointed).

7. GENERAL EXPENSES

7.1 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.

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

8. SPECIFIC EXPENSES/ EXPENSES INCURRED

GENERAL TRAVEL ARRANGEMENTS AND EXPENSES

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

8.1 Travel expenses relate to travel that is on Council business, including:

- Appointments and meetings involving Council business;
- To and from the periodical conferences and seminars of Local Government and related organisations at which attendance has been approved.

8.2 Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;

8.3 Out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;

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

-
- 8.5 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
 - 8.6 Councillors seeking to be reimbursed for use of a private vehicle must keep a log recording the date, distance and purpose of travel being claimed. Copies of the relevant log contents must be provided with the claim;
 - 8.7 Any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
 - 8.8 The claim is made not later than three (3) months after the expenses were incurred and upon a voucher form for payment.

9. TRAVEL EXPENSES NOT PAID BY COUNCIL

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

ATTENDANCE AT CONFERENCES/SEMINARS & OTHER MEETINGS

10. WHAT CONFERENCES AND SEMINARS MAY BE ATTENDED

The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- Local Government NSW Annual Conference;
- Local and Regional Conferences and Congresses of the various local, regional and state organisations of which this Council is a member, or has observer status or an application with;
- Suitable training courses and seminars considered appropriate by Council conducted by reputable and professional training organisations which further the training and development efforts of the Council with such attendance being within the budget framework;
- ALGA Roads Conference.
- Any other as approved by Council or the General Manager

Councillor expenses may not be used to support attendance by Councillors at political fundraising functions.

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

10.2 Council will set aside an annual budget to facilitate councillor attendance at conferences and seminars.

10.3 Approval to attend a conference or seminar is subject to a written request and approved by Council. In assessing a councillor request, the Council 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.

10.4 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences. 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 Clause 13.

11. REGISTRATION

The Council will pay all normal registration costs which are charged by the organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their Civic Office.

12. PAYMENT IN ADVANCE

12.1 The Council will normally pay registration fees, accommodation deposits and airline tickets direct, in advance. Where this is not appropriate or possible, a cash allowance equivalent thereto will be paid to the attendee in advance.

12.2 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.

12.3 Requests for advance 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.

12.4 Councillors 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 Council:

- 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.

13. **CATEGORIES OF PAYMENT OR REIMBURSEMENT**

Subject to nomination in accordance with the provisions of Clause 4, the categories of payment or reimbursement are as follows:

(a) **Professional Development**

- 13.1 Council will set aside an annual budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 13.2 In the first year of a new council term, Council will offer 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.
- 13.3 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.
- 13.4 Approval for professional development activities is subject to a prior written request to the Council for approval outlining the:
- details of the proposed professional development;
 - relevance to council priorities and business;
 - relevance to the exercise of the councillor's civic duties.
- 13.5 In assessing a councillor request for a professional development activity, the council must consider the factors set out in Clause 10, as well as the cost of the professional development in relation to the councillor's remaining budget.
- 13.6 It is essential that the expenses incurred for training or education courses must directly relate to the Councillor's civic functions and responsibilities.

(b) **Travel**

- All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car.
- Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle, subject to prior approval from the General Manager. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award (and as addressed on the attached reimbursement claim form), but subject to any such payment not exceeding economy class air fares to and from the particular destination.
- Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending Council business will be reimbursed by the Council.

(c) **Accommodation**

Reasonable accommodation costs (including meals), including the night before and/or after the Council business where this is necessary, will be met by the Council.

(d) **Out-of-pocket Expenses**

Reasonable out-of-pocket expenses will be provided or reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment.

(e) **Spouse/Partner**

Where the attendee is accompanied by his or her spouse/ partner, the attendee will be required to pay for any cost supplement involved in the accommodation (room only). All other costs for the spouse/ partner (including travel and meals) are to be borne by the attendee.

REFRESHMENTS FOR COUNCIL RELATED MEETINGS

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

Councillors will not be reimbursed for alcoholic beverages.

PART 3 – FACILITIES FOR MAYOR AND COUNCILLORS

14. MAYOR

The Mayor is entitled to receive the following benefits:

- Mayoral allowance *as determined by Council annually* and paid monthly in addition to the normal Councillors *allowance as determined by Council annually*, as per legislation;
- Transport being provided for use on appropriate occasions;
- Executive support services relating to the discharge of his/ her civic functions, including use of official stationery and postage of official correspondence;
- Administrative assistance associated with civic functions, meetings and the like;
- 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;
- Tablet and computer access;
- Supply of name badges and business cards;
- Travelling expense reimbursement for attendance at Council Meetings where travel of in excess of ten (10) km from Councillor's residence is involved;
- Reasonable accommodation costs before and/or after Council Meetings, Committee Meetings or other official duties;
- A mobile telephone, with the Mayor to reimburse Council for the cost of all private calls, to be itemised on the telephone account on a monthly basis;
- Provision of a motor vehicle for all Council related uses, and to be made available for the use by Councillors and staff undertaking Council business, approved by the General Manager.
- The Mayor is required to reimburse Council for all private fuel used, and to keep the vehicle in a clean condition;
- The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.

15. DEPUTY MAYOR AND COUNCILLORS

The Councillors, including the Deputy Mayor, are to receive the following benefits *each year*:

- Payment of annual fees in accordance with Sections 248 and 249 of the Act, *as determined by Council annually and* paid monthly in arrears;
- Use of Council Chambers, telephone and limited hospitality facilities;
- Executive support services relating to the discharge of his/her Civic function, including use of official stationery;
- Tablet;
- Postage of official correspondence dealing with Council business;
- Access to facsimile and photocopying facilities;
- Transport to official functions (if needed) when deputising for the Mayor;
- Supply of name badges, business cards, diaries and memo books;
- Travelling expense reimbursement for attendance at Council Meetings where travel of in excess of ten (10) km from Councillor's residence is involved;
- Reasonable accommodation costs before and/or after Council Meetings or other official duties.

NOTE: The residence is the ordinary place of residence determined by the Councillor and is not necessarily the residential address shown on the electoral roll.

16. FACILITIES

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.

(a) **Administrative support**

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

17. **INSURANCE & LEGAL ASSISTANCE**

17.1 **INSURANCE**

In accordance with Section 382 of the Local Government Act, 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.

Councillors are to receive the benefit of insurance cover for:

a) **Personal Injury**

If the Council delegates authority to one or more Councillors for the purpose of representing Council overseas, then the appropriate insurance will be negotiated. The type of insurance cover sought may include bodily injury caused by accidental, violent, external and visible means and may also cover permanent disablement, temporary total disability and temporary partial disability.

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

b) **Professional Indemnity**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the *Local Government Act 1993*, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

c) **Public Liability**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

17.2 LEGAL ASSISTANCE

In the event of:

- a) An enquiry, investigation or hearing by any of the following:
 - The Independent Commission Against Corruption;
 - The Office of the Ombudsman;
 - Office of Local Government;
 - The Police;
 - The Director of Public Prosecutions;
 - Council's Conduct Review Committee/Reviewer;
 - The Local Government Pecuniary Interest and Disciplinary Tribunal; or
 - Any other tribunal or authorised body into the conduct of a Councillor; or

- b) Legal proceedings being taken by or against a Councillor, arising 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, Council shall reimburse such councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or procedure, on a solicitor/client basis, PROVIDED THAT:
 - i) The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
 - ii) The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and the Councillor acted in good faith as required under Section 731 of the *Local Government Act 1993* and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.
 - iii) The amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Solicitors will be paid, that is any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitor will not be reimbursed; and
 - iv) The Councillor is not the plaintiff in the action.

- c) Provision of legal advice relating to a pecuniary interest, conflict of interest or matter governed by the Code of Conduct which, in the opinion of the General Manager, is necessary to clarify the particular Councillor's responsibilities in the performance of his/her duties as a Councillor.

-
- d) 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.

18. ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

The following currently apply as monetary limits to expenses:

Expense	Mayor	Deputy Mayor	Individual Councillors
	Maximum Annual Expense Limits		
Agreed training	As per Budget.		
Mandatory Councillor Information sessions			
Conferences & Seminars			
Local travel	As per Budget.		
Interstate Travel	As per Council resolution	As per Council resolution	As per Council resolution
Overseas Travel	Not Applicable	Not Applicable	Not Applicable
Motor Vehicle	Reimbursement to Council for private travel	Council vehicle for attending out of area functions	Council vehicle for attending out of area functions
Mobile Phone	Reimbursement to Council for private calls	Not Applicable	Not Applicable
Internet Access	Not Applicable	Not Applicable	Not Applicable
Stationery	Not Applicable	Not Applicable	Not Applicable
Business Cards, Name tags, etc	\$125	\$125	\$125
Corporate Uniform (50% contribution)	Not Applicable	Not Applicable	Not Applicable
Mayoral Office Refreshments	\$0	\$0	\$0

19. PRIVATE BENEFIT

Councillors shall not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on council business.

In situations where private use occurs, a payment shall be made to cover the level of that private use (refer S252(2) of the *Local Government Act 1993*).

20. APPROVAL RECONCILIATION AND REIMBURSEMENT

- Approval must be sought and gained prior to expenses being incurred, and where significant expenses and facilities occur, at a full meeting of the Council. If that is not possible, joint approval by the Mayor and General Manager is required. If the Mayor requires approval, it should be given jointly by the Deputy Mayor (or another Councillor) and the General Manager;
- The approved Councillor Claim Form is to be used for all claims (see attached);
- Claims are to be submitted not later than three (3) months after the expenses were incurred.

21. RETURN OF EQUIPMENT AND FACILITIES

The Mayor and Councillors are required to return equipment and other facilities to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

22. DISPUTE RESOLUTION

Should dispute(s) arise about the provision of expenses and facilities the matter is to be resolved by determination of the General Manager, in compliance with Council's Policy, in the first instance. Should the Councillor consider the General Manager's determination to be incorrect then the matter shall be reported for determination by the full Council at the next available Council Meeting.

23. RELEVANT DOCUMENTS

- Local Government Act 1993, Sections 252 and 253;
- Local Government (General) Regulation 2005, 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;
- OLG Circular 17/17 Councillor Expenses and Facilities Policy – Better Practice Template.

24. 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.

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 councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
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 Council 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
General Manager	Means the General Manager of Council 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
NSW	New South Wales
official business	Means 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: <ul style="list-style-type: none">• 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	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2005</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

NOTE: The residence is the ordinary place of residence determined by the Councillor and is not necessarily the residential address shown on the electoral roll.

Councillor Claim Form



Councillors seeking reimbursement of expenses associated with Council business are required to complete this form. Please clearly print all details and if information is not applicable please leave blank.

NAME OF COUNCILLOR: _____

CLAIM FOR THE MONTH OF: _____

1. CLAIM FOR PRIVATE CAR EXPENSES TO ATTEND COUNCIL MEETINGS AND APPROVED FUNCTIONS

- Vehicles less than 2.5 litres are calculated at a rate of 0.78c per kilometre
- Vehicles 2.5 litres or more are calculated at a rate of 0.80c per kilometre

JOB NUMBER 10014

DATE	DESCRIPTION OF CLAIM	NO OF KM	RATE / KM	AMOUNT
			SUB TOTAL	

2. CLAIM FOR REIMBURSEMENT OF EXPENSES INCURRED ON COUNCIL BUSINESS

JOB NUMBER 10015

DATE	DESCRIPTION OF CLAIM	AMOUNT
		SUB TOTAL

TOTAL CLAIM

1. SUB TOTAL	
2. SUB TOTAL	
TOTAL CLAIM	

DECLARATION

COUNCILLOR SIGNATURE: _____

DATE OF SUBMISSION: _____

OFFICE USE

AUTHORISED BY: _____

PLEASE RETURN COMPLETED FORM TO COUNCIL'S DIRECTOR OF
FINANCE & COMMUNITY SERVICES.

