



<b>Title of Policy</b>	Payment of Expenses and Provision of Facilities to the Administrator, Councillors and the Mayor		
<b>This applies to</b>	All Councillors		
<b>Author</b>	Greg Hill	<b>Date approved:</b>	22 May 2019
<b>Position of Author</b>	General Manager	<b>Authorised by:</b>	Council Minute number 02-05-19
<b>Legislation, Australian Standards, Code of Practice</b>	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i>		
<b>Related Policies/Procedures</b>			

## **PART 1: INTRODUCTION**

### **PURPOSE OF THE POLICY**

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

### **OBJECTIVES AND COVERAGE OF THE POLICY**

The objective of this policy is to provide a guide to Councillors' expenses and facilities and the process for paying expenses in a way that can be properly recorded, reported and audited.

The policy applies to all Councillors. The Mayor is entitled to specific additional facilities.

### **REPORTING REQUIREMENTS**

This policy will be included in the Council's Annual Report. In addition, the total amount of money spent during the relevant financial year through the application of this policy will be reported in the Annual Report in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

### **LEGISLATIVE REQUIREMENTS**

The statutory requirements relating to the payment of expenses and provision of facilities to Councillors and the Mayor are set out in Sections 252, 253 and 254 of the Local Government Act 1993 and Clause 403 of the Local Government (General) Regulation 2005.

## **OTHER GOVERNMENT POLICY PROVISIONS**

### **OLG guidelines for payment of expenses and provision of facilities**

This policy takes into account the following:

- Circular 11-27 – Findings of Review of Councillor Expenses and Facilities Policies
- Circular 09-36 – Release of Revised Councillor Expenses and Facilities Guidelines
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (Division of Local Government October 2009)
- Circular 05108 – Legal assistance for councilors and council employees
- Circular 02134 – Unauthorised use of council resources

### **Model Code of Conduct**

This policy is consistent with the Office of Local Government's Model Code of Conduct and Council's Code of Conduct, with implements the Model Code.

The part of the Model Code headed 'Use of Council resources' is particularly relevant to this policy and is implemented by the Council's Code of Conduct.

### **ICAC publications**

Councillors should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication 'No Excuse for Misuse, preventing the misuse of council resources (Guideline 2), November 2002.

This publication is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

### **PRIVATE BENEFIT**

Councillors should not obtain private benefit from the provision of equipment or facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. However, it is acknowledged that some incidental private benefit from the use of Council equipment and facilities may occur from time to time. Incidental private use should be limited to an amount of cost to Council of no more than \$10 per month per Councillor. In situations where more substantial private benefit occurs, the full cost of the benefit should be reimbursed to Council.

### **USE OF COUNCIL RESOURCES FOR POLITICAL PURPOSES**

Council facilities, equipment and services are not to be used to produce election material or for any other political purpose. As outlined in Council's Code of Conduct, a Councillor's re-election is considered to be a personal interest, as is fundraising activities for political parties and political events. Council will not pay expenses or provide facilities to Councillors in relation to supporting and/or attending such events and activities.

### **APPROVAL ARRANGEMENTS**

Approval for attendance at conferences, seminars and other meetings should generally be approved by Council resolution, however, should this not be practicable, approval may be given by the Mayor and General Manager. Should attendance be proposed by the Mayor or General Manager approval may be given by the Deputy Mayor and/or another Councillor.

## **PART 2: PAYMENT OF EXPENSES**

### **PAYMENT OF ANNUAL FEES**

Council shall fix the annual fee for the Mayor and Councillors in accordance with the determination limits of the Local Government Remuneration Tribunal each financial year. It should be noted annual fees do not fall within the scope of this policy.

### **TRAVELLING**

In relation to travel to and from Community, Council and Council Committee Meetings:

- 1) Councillors will advise the General Manager of their normal mode of travelling to Council and Council Committee Meetings.
- 2) Payment to and from Community Meetings, Council and Council Committee Meetings will be based on the number of kilometres travelled by the Local Government Award – Vehicle Allowance rate for Council employees who use their private vehicles for Council business.
- 3) Whilst travelling on Council business in either a private or Council vehicle the driver of the vehicle shall be personally responsible for any traffic or parking fines incurred whilst travelling.

### **Community Meetings**

Payment will be made to Councillors for attendance at Community Meetings and will be based on Item 2 as above.

Community Meetings will include the following:

- Civic Receptions, Community Group Meetings where Councillors will receive information relating to civic duties.
- Progress Association Meetings.
- Inspections within the Local Government area.
- Inspections of activities and developments in other Local Government areas where it is considered appropriate in order that a similar facility may be provided in the Central Darling Local Government area.
- Meetings with Government officials.
- Meetings with Community and Private Sector officials where such meetings relate to civic duties.

### **Council delegate**

In the event of a Councillor being authorised by Council resolution to nominate and ultimately succeeding and being appointed as a delegate to an outside related local Government organisation and the most appropriate mode of travel is by vehicle, and a Council vehicle is not available, the vehicle allowance indicated in item (2) shall apply.

In the event of a Councillor using public transport the booking of the trip shall be made through Council's **Administration Office** with payment of same being made by Council. If, however, a Councillor who uses public transport and pays for the cost of the public transport, the actual cost will be reimbursed on the production of a receipt and completion of expenses claim form submitted to the General Manager.

## **Interstate Travel Expenses**

- 1) Prior to any interstate travel being taken, travel must be approved by a full meeting of Council.
- 2) Full details of the interstate travel shall be provided including purpose of the trip, expected benefits, duration, itinerary and approximate total costs of each visit.
- 3) Any interstate travel will be approved by Council on an individual trip basis only.
- 4) No retrospective reimbursement of interstate travel expenses will be paid unless prior authorisation of the travel has been obtained.
- 5) Full details of the proposal shall be included in Council's business paper for consideration.

## **Overseas Travel Expenses**

- 1) Prior to any overseas travel being taken, travel must be approved by a full meeting of Council.
- 2) Full details of the overseas travel shall be provided including purpose of the trip, expected benefits, duration, itinerary and approximate total costs of each visit.
- 3) Any overseas travel will be approved by Council on an individual trip basis only.
- 4) No retrospective reimbursement of overseas travel expenses will be paid unless prior authorisation of the travel has been obtained.
- 5) Full details of the proposal shall be included in Council's business paper for consideration.

## **CONFERENCE EXPENSES**

### a) Councillors

Council will meet the registration, accommodation, sustenance and travel costs (in accordance with this policy) including those relating to official luncheons, dinners and tours which are relevant to the interests of Council.

Attendance at any Conference by any Councillor shall be approved by Council through resolution of the Council or by the Mayor or General Manager acting under delegated authority.

Attendance at Conferences will be subject to budgetary constraints.

### b) Councillor's Partners

Councillor's partners may attend with Councillors, Seminars, Conferences or the like, subject to any additional travel, accommodation and sustenance costs and the like being met by the Councillor concerned or his or her partner.

Council will accept limited expenses of spouse/partners or accompanying persons associated with the attendance of the Local Government NSW Annual Conference which may include the cost of registration and official Conference Dinner.

### c) Payments In Advance

Council will not normally provide funds to Councillors prior to attending a Seminar, Conference or the like, however, requests may be considered by the Mayor and General Manager. In the event of an approach being made and approval being given, a reconciliation

of the funds expended, receipts and funds not expended is to be submitted to the General Manager following the conclusion of the Seminar, Conference or the like.

d) Incidental Expenses

Council will reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that any Councillor may incur. Incidental expenses will be reimbursed upon presentation of official receipts and completion of the necessary expense claim forms.

Incidental expenses could be defined as:

- Cost of telephone or facsimile calls.
- Refreshments
- Internet charges
- Laundry and dry cleaning
- Newspapers
- Taxi fares
- Parking fees

The cost of meals etc., not included in Registration or Conference fees will be reimbursed upon production of the necessary receipts and claim form.

Councillor expenses may not be used to support attendance by Councillors at political fund-raising activities.

Incidental expenses shall be limited to a maximum claim of **\$100.00** daily.

## **SPECIFIC EXPENSES FOR MAYORS AND/OR COUNCILLORS**

### **Training and Educational Expenses**

Council will meet the registration, accommodation, sustenance and travel costs in accordance with this policy of any Councillor who by Council resolution or policy have been authorised to attend any training or educational Seminars which are relevant to the interests of the Council.

### **Telephone Expenses**

Council will reimburse Councillors for the cost of any business calls made by Councillors on Council business.

Council will not provide dedicated phone lines to Councillors for use on Council business.

### **Internet**

Council will not provide internet connections or accept any internet charges for Councillors.

### **Care and Other Related Expenses**

Should a Councillor be responsible for any carer arrangements including children, elderly, disabled and/or sick immediate members of the Councillors family, in order to allow the Councillor to fulfill

their Council business obligations, Council will be responsible for the reimbursement of additional expenses incurred by the Councillor whilst on official Council duties upon the production of the necessary receipt and completion of the expenses claim form submitted to the General Manager.

Should a Councillor have a special requirement such as a disability and access needs to allow them to perform their normal civic duties and responsibility, Council will give consideration to the payment of reasonable expenses to cover the special requirements.

### **GIFT AND BENEFITS**

Any gift or benefit given by a Councillor should be of a token value with an upper limit of **\$100.00** per gift.

### **LEGAL ASSISTANCE FOR COUNCILLORS**

Council may by resolution, indemnify or reimburse the reasonable legal expenses of:

- a) A Councillor defending an action arising from the performance in good faith of a function under the Local Government act 1993 and providing there are no adverse findings against the Councillor; or
- b) A Councillor defending an action in defamation provided the statements complained of were made in good faith while exercising a function under the Local Government Act 1993; or
- c) A Councillor for proceedings before the NSW Civil and Administrative Tribunal, or an investigative body, provided the subject of the proceedings arises from the performance in good faith of a function under the Local Government Act 1993 and the Tribunal or investigative body makes no adverse finding against the Councillor.

Council will not:

- Meet expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term of office; or
- Meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances; or
- Meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

### **INSURANCE – COUNCILLORS**

Council will provide Councillor's insurances required in the carrying out of their civic office functions. Councillors will receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:

- 1) Personal Injury
- 2) Professional Indemnity
- 3) Public Liability
- 4) Councillor's and Officer's Liability
- 5) Statutory Liability

## **PART 3: PROVISION OF FACILITIES**

### **COUNCILLORS**

The Councillors are to receive the benefit of the following Council facilities:

- a) Meeting meals and refreshments – provision of meals and refreshments associated with Council, Committee and Working Parties/Special Committee meetings.
- b) Transportation – provision of a Council motor vehicle (when available) for travel to conferences, seminars, etc when on official Council business.
- c) Where a Council vehicle is provided to a Councillor for use on official business, the vehicle may:
  - With the consent of the Councillor, be driven by the Councillor's spouse or partner as long as that person is legally licensed to drive the Council vehicle; or
  - Provided the Councillor is in the vehicle at the time, be driven by any other fully licensed driver.
- d) Meeting Rooms – provision of meeting facilities in the **Wilcannia Administration Building** for the purpose of Council, Committee and Working Parties/Special Committee Meetings and for meeting with constituents.
- e) Photocopies – provision of photocopying facilities in the **Wilcannia Administration Building** generally for official purposes.
- f) Business cards for his/her role as an elected representative.
- g) A suitable name badge.
- h) Protective apparel, including (where appropriate) hard hat, safety vest, safety footwear and sunscreen for on-site inspections.

### **MAYOR**

In addition to those facilities provided to Councillors, the Mayor is to receive the benefit of the following:

- a) Council vehicle – (Ford Fairlane Giha or equivalent) for official purposes. The vehicle to be used at the discretion of the Mayor for Mayoral, Councillor or Council purposes. A fuel card will be provided for use only with the Mayoral vehicle.

When the Mayor or another Councillor is using the Mayoral vehicle on official business, the vehicle may:

- With the consent of the Mayor or Councillor, be driven by the spouse or partner of the Mayor or Councillor as long as that person is legally licensed to drive the Council vehicle; or
- Provided the Mayor or Councillor is in the vehicle at the time, be driven by any other fully licensed driver.

Council will meet the cost of service charges and official usage costs, with the Mayor to

reimburse Council in respect of any private expenses incurred.

- b) Corporate Credit Card, to facilitate payment of official Council business expenses.
- c) Official stationary incorporating Mayoral letterhead for official Council correspondence issued under the hand of the Mayor.
- d) Business cards for his/her role as Mayor.
- e) Secretarial services – word processing and administrative support provided by the **Executive Secretary**.
- f) Administrative support – assistance with functions, meetings and the like.
- g) Office refreshments – as provided in the Mayoral Office for entertainment purposes.
- h) Where practicable, provision of an appropriate office, suitable for interviews and small civic receptions.
- i) Use of ceremonial clothing including Mayoral Robes and chains of office.
- j) A suitable name badge.

#### **DEPUTY MAYOR**

In addition to those facilities provided to the Deputy Mayor as a Councillor, the Deputy Mayor is to receive the benefits of the Mayor while acting in the office of Mayor.

#### **COUNCILLORS WITH DISABILITIES**

In addition to other clauses in this policy regarding the provision of facilities to Councillors, in the event of a Councillor having a disability that would prevent them from performing their civic duties without the provision of additional facilities, where necessary, and with the agreement of the Mayor and General Manager, additional appropriate facilities will be made available to that Councillor.

### **PART 4: OTHER MATTERS**

#### **ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS**

All equipment issued to Councillors remains the property of Council and shall be returned upon a Councillor ceasing to hold office.

#### **CLAIMS FOR REIMBURSEMENT OF EXPENSES**

Expenses claim forms to facilitate claims for reimbursement of travel, meals, registration, accommodation and out-of-pocket expenses will be provided to Councillors at each Council meeting.

Completed and signed claim forms are to be submitted monthly to the General Manager. Claims will be processed by staff in accordance with this policy.