

Provision of Expenses and Facilities for the Mayor and Councillors Policy

Policy Type	COUNCIL
Policy Reference Number	Provision of Expenses and Facilities for the Mayor and Councillors Policy
Link to Community Strategic Plan	5.3 Ensure good governance and administration
Adopted by Council	25 June 2019
Council Resolution No	213/19FC
Version Number	2.0
Responsible Directorate	General Manager
Review schedule	Within 12 months of new council
Next Review Date	June 2021

Contents

POLICY SUMMARY	4
PART A - INTRODUCTION.....	7
1. Introduction.....	7
2. Policy Objectives.....	7
3. Private or Political Benefit.....	8
4. Private Use of Equipment and Facilities.....	8
5. Scope	8
6. Background.....	9
7. Legislative Provisions.....	9
8. Reference Documents	9
9. Relevant Government Policy	9
10. Relevant Council Policy/Registers	9
PART B - EXPENSES	10
11. General Expenses	10
12. Specific Expenses.....	10
13. Insurances	16
14. Insurance and Councillor Obligations.....	17
15. Legal Expenses and Obligations	17
PART C – FACILITIES	19
16. General facilities for all councillors	19
17. Additional facilities for the mayor.....	19
PART D – PROCESSES	21
18. Approval, payment and reimbursement arrangements	21
19. Disputes.....	22
20. Return or retention of facilities.....	22
21. Publication.....	22

22. Reporting.....	22
23. Auditing	23
24. Breaches.....	23
25. Advisory Services of a Conduct Reviewer	23
APPENDIX 1 - DEFINITIONS.....	24
26. Definitions	24
27. Policy History	26
28. Reviews.....	26
Attachment 1.....	27

POLICY SUMMARY

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 benefits from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulations 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 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, unless separately authorised by Council.

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

Table 1. Summary of Expenses

Expense or Facility	Expense Type	At Cost	Limit Amount	Frequency	Doc Ref
General Travel Expenses	Travel related expenses for Mayor & Councillors	Actual	Within reason and within budget	Per year	12.1
Conferences and seminars	Registration Costs	Actual	Approved by Council	Per year 6 monthly conference reports to be presented to Council	12.10
Interstate, overseas and long distance intrastate travel expenses	Air, Rail, Taxi, Bus, Parking	Actual	Approved by Council	Per year	12.3
Meals, Incidentals, Out of Pocket expenses	Appropriate to the role of Councillor	Actual up to daily limit	\$70 per day		12.5
Accommodation	Actual up to Daily Limit	Actual Up to daily limit	\$300 per night \$250 per night \$200 per night	1. State Capital cities & Canberra 2. Regional cities 3. Country	12.5
Accompanying personal expenses	Carer or spouse acting as carer	At Cost	Within reason	Prior GM Approval	12.12
Attendance at dinners and other non-Council functions	Cost of service provided	Actual	None		12.15
Professional Development	Per Councillor		As per agreed training plan	Per year	12.9

Expense or Facility	Expense Type	At Cost	Limit Amount	Frequency	Doc Ref
Uniforms	\$400 per Councillor \$200 per Councillor			On election Each year	12.21
ICT expenses	per Councillor	Reasonable use		Per year	12.16
Carer & Other Related Expenses	Personal Care or child care expenses up to 4 hours	Actual	\$80 per session	Receipt Required	12.20
Spouse & Partner Expenses	Spouse & Partner Expenses		None/some limited circumstances	Prior GM Approval	12.12
Access to facilities in a Councillor common room	Provided to all Councillors			Not relevant	16
Councillor vehicle and fuel card	Provided to the Mayor			Not relevant	17.1
Reserved parking space at Council offices	Provided to the Mayor			Not relevant	17.4
Furnished office	Provided to the Mayor			Not relevant	17.5
Number of exclusive staff supporting Mayor	Provided to the Mayor and Councillors	Secretarial and administrative support to Mayor and Councillors via General Manager support staff (Governance, Executive Support Officers)	On request, within reasonable limits	Not relevant	17.7
Use of Private Motor Vehicle	Payment	Per km allowance	Under 2.5 Litre \$0.68 p km Over 2.5 Litre \$0.78 p km		12.7
Legal Assistance for Mayor and Councillors	Cost of Service provided	As per Council Resolution	Determined by council		15
Tablet Computer	Cost of Service provided	Monthly data Allowance	5GB		12.19

Expense or Facility	Expense Type	At Cost	Limit Amount	Frequency	Doc Ref
Cost of Smart Phone – Mayor only	Cost of Service provided	Monthly data Allowance Monthly Call Allowance	5GB \$50	To cover normal Council business	12.19

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 unless extenuating circumstances are proven.

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 Councillors and as a total for all Councillors.

PART A - INTRODUCTION

1. Introduction

- 1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Federation Council.
- 1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3 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.
- 1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5 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 the annual fees within this set range.

2. Policy Objectives

- 2.1 The objectives of this policy are to:
 - provide for the fair and equitable payment and re-imbusement of certain expenses not considered to be included in the annual fees payable to the Mayor and Councillors, where such expenses are incurred by the Mayor and Councillors in discharging the functions of civic office.
 - provide adequate facilities for use by the Mayor and Councillors to enable them to discharge the functions of civic office.
 - 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 Council's statutory responsibilities.
 - provide clear guidelines regarding the provision of facilities and equipment to the Mayor and Councillors.
- 2.2 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.

3. Private or Political Benefit

- 3.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 3.2 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.
- 3.3 Such incidental private use does not require a compensatory payment back to Council.
- 3.4 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 Council.
- 3.5 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.

4. Private Use of Equipment and Facilities

- 4.1 In accordance with the Code of Conduct, Council equipment and facilities must not be used for substantial private purposes unless lawfully authorised by the Mayor (for Councillors) or the Council (for the Mayor) and proper payment is made where appropriate An appropriate commercial rate will be determined depending on the equipment being use. In the event substantial used does occur, Section 252(2) of the Act provides that a payment will be made to cover the level of private use received.
- 4.2 It is acknowledged that incidental use of Council equipment and facilities may occur from time to time Such incidental use is not subject to compensatory payment.
- 4.3 The interest of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel and other expenses incurred on election matters is not appropriate Council letterhead, Council logo and other information that could give the impression it is official Council material must not be used for these purposes.

5. Scope

- 5.1 This policy applies to all Councillors It also applies to Administrators of Council where appropriate.
- 5.2 The policy does not address the setting and payment of Councillors annual fees as this is a matter for the Local Government Remuneration Tribunal.
- 5.3 Allowances and reimbursements are for actual expenses incurred upon the presentation of official receipts and the completion of the Councillor Expense Claim Form (Attachment 1 of this policy)
- 5.4 This policy does not include provision for general expenses allowances as per Cl. 403 Local Government Regulation 2005 Consideration will be given by the Mayor and Deputy Mayor to the payment of reasonable expenses associated with the special requirements of Councillors such as disability and access needs to allow performance of normal civic duties.

6. Background

- 6.1 The 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.
- 6.2 The policy sets out the maximum amounts Council will pay for specific expenses and facilities in accordance with the fees determined by the NSW Local Government Remuneration Tribunal. The 2018 determination can be found at <http://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations>.

7. Legislative Provisions

- 7.1 This policy is made in accordance with sections 23A, 252 to 254 of the Act, together with clause 403 of the Local Government (General) Regulations 2005.
- 7.2 The Act includes requirements that Council must review and adopt a policy within the first 12 months of each term of Council for the payment of expenses and the provision of facilities for the Mayor, Deputy Mayor and Councillors. Section 252(3) prevents a Council from paying any expenses or providing any facilities otherwise than in accordance with the provisions set out in this policy.
- 7.3 Provision under the Regulation includes those under Clause 403 which disallows the payment of general expense allowance, and for a vehicle to be made available for the exclusive use of a Councillor other than the Mayor.

8. Reference Documents

- *Local Government Act 1993 – Sections 23A, 252-254*
- *Local Government (General) Regulations 2005 – Clause 217, Clause 403.*
- *Local Government (State) Award 2014*
- *Office of Local Government Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW*
- *Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities*
- *Local Government Circular 05-08 Legal assistance for Councillors and Council Employees*

9. Relevant Government Policy

- Relevant ICAC Publications including 'No Excuse for Misuse' Section 2.6

10. Relevant Council Policy/Registers

- Federation Council Delegations of Authority
- Federation Council Code of Conduct
- Federation Council Councillors Gift Register
- Federation Council Code of Conduct
- Federation Council Corporate Credit Card Policy

PART B - EXPENSES

11. General Expenses

- 11.1 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.
- 11.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed unless via separate resolution of Council.

12. Specific Expenses

12.1 General travel arrangements and expenses

12.1.1 Council will pay actual travelling expenses incurred (airfares, hire car and hire car fuel) and accommodation expenses that are associated with travelling to and from, and during council approved conferences, seminars, training or business of the Council.

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

12.1.3 Each Councillor may be reimbursed for expenses within reason and within budget, 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
- for taxi fares or equivalent
- for documented ride-share programs, such as Uber, where tax invoices can be issued
- for fuel, if the Councillors employer's vehicle is used in lieu of km allowance, where an invoice for fuel is produced (subject to review of km's travelled v's fuel purchased)

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

12.1.5 Councillors seeking to be reimbursed for use of a private vehicle must submit a claim detailing the date, distance and purpose of travel being claimed.

12.2 Local Travel Expenses – Within Federation Council Local Government Area.

12.2.1 If available, a suitable vehicle or vehicles may be provided by the Council for use on official duties connected with the office of the Councillor.

12.3 Interstate, overseas and long distance intrastate travel expenses.

12.3.1 Given Council's location on the Victorian/NSW border, travel to Victorian border towns will be considered as general travel Arrangements and expenses for this travel will be governed by Clauses 12.1.1 – 12.1.5 above.

12.3.2 In accordance with Section 3 - Private Benefit, 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.

12.3.3 Councillors seeking approval for any long distance intrastate travel must submit a case to, and obtain approval of, the General Manager prior to travel.

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

12.3.5 The case should include:

- objectives to be achieved in travel, 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 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

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

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

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

12.3.9 Bookings for approved air travel are to be made through the General Manager's office.

12.3.10 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.

12.4 Travel Expenses Not Paid by Council

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

12.5 Accommodation and Meals

12.5.1 Council will pay actual costs incurred for meals and other incidental expenses when travelling to and from, and during Council approved conferences, seminars, training of business of the Council, subject to the production of satisfactory documentary evidence.

12.5.2 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 than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

12.5.3 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Federation Council area.

12.5.4 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 2009-2017, adjusted annually.

12.5.5 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 12.5.4.

12.5.6 Councillors will not be reimbursed of expenses related to alcoholic beverages other than reasonable refreshments associated with meals.

12.6 Use of Council vehicles by the Councillors

12.6.1 Council will provide a vehicle for Councillor use on authorised, official Council business.

12.6.2 The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

12.7 Use of private vehicles by the Councillors

12.7.1 Where a privately registered vehicle is used by a Mayor/Councillor they may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence and return, to:

- a) Attend a conference held outside the Federation Council local government area and return, where use of the private vehicle is authorised by the General Manager, Mayor/Deputy Mayor and General Manager.
- b) Kilometre rates for use of a private vehicle under this Policy will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for additional damage or repairs to a vehicle and any loss or no claim bonus and any excess covered by insurance.

12.7.2 Payment is subject to a claim on the prescribed claim form being lodged by the Mayor/Councillor, and made no later than three (3) months after the travel occurred.

12.8 Reimbursement for travel expenses incurred for travelling to Council Business other than from 'Place of Residence'

12.8.1 Where a Councillor is required by their employer to work away and stay overnight, and is required to return for Council Business and uses their or their employer's vehicle whilst away, if seeking reimbursement for travel expenses, the Councillor must produce evidence they are required to stay overnight away from their place of residence. On receipt of evidence, the Councillor will be reimbursed fuel expenses, on production of a valid receipt/tax invoice. This is subject to approval from the General Manager prior to return travel being undertaken.

In order to ensure that accurate reimbursement is provided, it is recommended that the councillor fills the vehicle before travel commences back for 'council business', and refills the vehicle on completion of the journey back to the work location. The receipt for the return journey is then to be provided with the claim to the General Manager for reimbursement.

The Councillor is also required to confirm if a personal or work vehicle was used and that the receipt provided is from their own card, if using a credit card or fuel card.

The Councillor is also eligible as an alternative to claiming the per km rate as per the LG Award.

12.9 Refreshments for Council Related Meetings

12.9.1 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.

12.9.2 As an indicative guide for the standard of refreshments to be provided as 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 adjusted annually.

12.10 Professional Development

12.10.1 Council will ensure Councillors are provided with an opportunity to develop their skills in accordance with identified training needs on their individual training plans and in line with budget. This may be carried out through programs, training, education courses, and membership of professional bodies.

12.10.2 In the first year of a new Council term, Council will provide an 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.

12.10.3 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.

12.10.4 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 of the exercise of the Councillor's civic duties

12.10.5 In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 12.9.2, as well as the cost of the professional development in relation to the Councillor's remaining budget.

12.10.6 Council will pay for training and short courses specifically related to the role of the Councillor. Council will not pay for any expenses related to formal education, for example, TAFE or university courses where this does not relate to the role of a Councillor. All Councillor requests are to be presented to the Mayor, Deputy Mayor for approval, or to the General Manager for the Mayor.

12.11 Professional Development Approval Arrangements

12.11.1 Councillor attendance at conferences will be approved jointly by the Mayor and the General Manager based on the following criteria:

- benefit of conference to the Council and community;
- appropriateness of attendance by Councillors;
- cost involved in attendance at the conference, including travel; and
- the number of Councillors (if any) to attend.

12.11.2 If approval is sought by the Mayor, then approval may be given jointly by the Deputy Mayor or another Councillor and the General Manager.

12.12 Conferences and Seminars

12.12.1 Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and Local Government NSW

12.12.2 Council will ensure conference registration costs for Councillors are met for approved conferences and seminars including the Local Government NSW Annual Conference This allocation is for all Councillors The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

12.12.3 Approval to attend a conference or seminar is subject to a written request for 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.

12.12.4 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 the subject of Clauses 12.5.2 – 12.5.6.

12.13 Spouse and Partner Expenses

12.13.1 Spouse and partners expenses at conferences will not be reimbursed.

12.13.2 However, there may be 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 (hence they are properly incurred by, and reimbursable to the Councillor) An example of this is an accompanying person providing carer support to the Councillor.

12.13.3 Refer to Policy Summary at the front end of this document for Monetary Limits for Expenses

12.14 Civic Duty Related to Matters of a Community or Charitable Nature

12.14.1 When Councillor's spouses/partners are invited guests within the government area or a neighbouring local government area and the Mayor or Council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for Councillors and their spouse/partners will be paid by Council Individual Councillor requests for specific events must be approved by the Mayor and the Deputy Mayor.

12.15 Local Government NSW Annual Conference

12.15.1 Up to two (2) Councillors (generally Mayor and Deputy Mayor) will attend the Local Government NSW Annual Conference each year Council will reimburse the cost of registration fees and where the conference is outside Federation Council, the cost of travel, accommodation and meals not covered by the conference registration. Subject to Clauses 12.5.3-12.5.6 Attendance for additional Councillors over and above the Mayor and Deputy Mayor, will only be granted by Council resolution.

12.15.2 For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

12.16 Attendance at Dinners and other Non-Council Functions

12.16.1 Consideration may be given at a full Council meeting to meeting the cost of Councillors attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business Approval to meet expenses should only be given when the function is relevant to the Council's interest Only the cost of the service provided should be met.

12.16.2 No payment should be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's election fund, or some other private benefit An additional payment to a registered charity may be acceptable as part of the cost of the function.

12.16.3 The cost of attending fundraising activities for political parties will not be met.

12.17 ICT Expenses

12.17.1 Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services up to a limit of reasonable use per annum for each Councillor This may include mobile phones and tablets, mobile phone and tablet services and date and home internet costs.

12.17.2 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

12.17.3 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within reason.

12.17.4 Council will only reimburse emergency telephone expenses where it can be identified that the cost of the telephone calls were related to Council business.

12.17.5 Council will not meet the cost of any internet connections or any costs associated with this.

12.18 Access to IT Assistance and Support

12.18.1 In the case of Councillors requiring assistance or support within business hours, contact should be made with the General Manager or Executive Support Officer, to arrange assistance Outside normal business hours, contact should be made with the General Manager Assistance will be provided remotely where possible, however it may require a device to be brought into the Council office.

12.19 Printer Expenses

12.19.1 Council will print Council related documents on request on Council's printers and forward to Councillors A printer is also provided in the Councillor Office.

12.20 Provision of Equipment and Facilities for Mayor and Councillors

12.20.1 Council provides:

- a) Councillors with access to a Council funded laptop or tablet computer for the purpose of Council business in accordance with Council's IT platform standards and appropriate monthly data allowance. Costs of any data usage over this limit will be required to be met by the relevant Councillor.

At the end of a Councillors term, the Councillors may have the opportunity to purchase the laptop for a nominated amount by the General Manager. This amount will reflect the depreciated and market value of the laptop.

- b) Reasonable access to accommodation, photocopiers and telephone.
- c) Alternatively, a Councillor may claim a \$40.00 per month allowance to purchase and maintain their own laptop. If this amount is claimed, no maintenance or support can be provided to a Councillor's own equipment.
- d) A smart phone, if requested for the Mayor, in accordance with Council's IT platform standards and appropriate monthly data and call allowance in order to undertake Council business. Costs of any data and call usage over this limit will be required to be met by the Mayor. Where a Councillor chooses to use their own mobile phone, the Councillor will be provided with an additional monthly allowance to cover call costs.
- e) Appropriate protective clothing and equipment when Councillors are required to go onto work sites as part of the civic duty.
- f) Councillors travelling overseas at their own expense are eligible for reimbursement of internet access costs for Council related matters only, up to an amount equivalent to the monthly data allowance. For telephone calls, Councillors will be reimbursed for communication costs associated with Council business only. Councillors shall seek IT advice prior to travel, if it is intended to seek reimbursement. International roaming is not available on Council supplied communications and IT equipment.

12.21 Special Requirements and Carer Expenses

12.21.1 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.

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

12.21.3 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.

12.21.4 Council will consider by resolution reimbursement of reasonable costs of carer arrangements.

12.21.5 Reimbursement claims under this clause must be supported by receipts.

12.22 Councillor Uniform

12.22.1 Councillors may use the initial \$400 and annual \$200 uniform allowance to purchase Federation Council branded suit coat and pants, long sleeve shirts with logo, tie with logo, and selected women's pants/skirt, shirt and jacket.

13. Insurances

13.1 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.

13.2 Insurance protection is only provided if a claim arises out of, or in accordance 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.

- 13.3 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 13.4 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.
- 13.5 Council will effect and maintain insurance to cover any loss or damage to Council property in the possession or control of Councillors.

14. Insurance and Councillor Obligations

14.1 Council maintains insurance policies which extend benefits to Councillors where they are engaged in or on any activity directly or indirectly connected with Council including travelling to and from such activity. These insurances are:

14.2 Personal Accident Insurance

14.2.1 This insurance provides some conditional coverage for Councillors and their accompanying partners for:

- personal accident (specifically provisions for lump sum payments and weekly benefits);
- payment of indirect medical related expenses not covered by Medicare or private health;
- payment of additional expenses such as cancellation and curtailment of fees; and
- travel (domestic and overseas) including general loss of personal and business property, overseas medical expenses and other incidental travel related issues.

14.3 Councillors Liability

14.3.1 This insurance provides some conditional coverage for Councillors against claims they have committed a wrongful act resulting in harm or damage to a third party when acting in good faith in the course of the duties for Council.

14.3.2 This includes personal financial loss associated with defamation proceedings, the cost of attending formal statutory inquiries (such as the Independent Commission Against Corruption) and general claims or prosecutions of breach of duty or corruption, legal defence costs, the cost of properly investigating an allegation as well as the financial cost of any judgement or settlement made against the insured person.

14.3.3 Councillors shall notify the General Manager as soon as reasonably practicable of any intention to make a claim or incur any legal or other expenses under Council's insurance policies.

15. Legal Expenses and Obligations

15.1 The reasonable legal expenses of a Councillor may only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Act or any other Act (as per section 731 of the Act) or defending an action of defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

15.2 Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- Local Government Pecuniary Interest and Disciplinary Tribunal
- Independent Commission Against Corruption

- Office of the NSW Ombudsman
- Office of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council's Conduct Review Committee/Reviewer.

- 15.3 In addition, legal costs may only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred, may not necessarily be considered a substantially unfavourable outcome.
- 15.4 In the event of any dispute as to whether specific expenses are covered by this policy, a decision will be made by Council, in its absolute discretion, by the resolution of Council (with the individual Councillor the subject of the expense to be excluded from the vote).
- 15.5 Any reimbursement of costs to a Councillor will be capped at the amount specified in the Councillors liability insurance policy and the claim approved by the insurer. Should any costs be incurred in excess of these amounts Council may, in its absolute discretion, approved payment by resolution of Council (with the individual councillor the subject of the expense to be excluded from the vote).
- 15.6 Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- 15.7 Council will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- 15.8 Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as Councillor.
- 15.9 Where doubt arises in relation to any of these points of the policy, the Councillor may seek its own legal advice.
- 15.10 Councillors shall inform the Mayor and General Manager of their intention to lodge a claim for expenses relating to legal expenses.

PART C – FACILITIES

16. General facilities for all councillors

16.1 Facilities

- 16.1.1 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.
- 16.1.2 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

16.2 Stationery

- 16.2.1 Council will provide the following stationery to Councillors each year:
- Letterhead, to be used only for correspondence associated with civic duties
 - Business cards

16.3 Administrative Support

- 16.3.1 Council will provide minor administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Managers office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 16.3.2 As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of a personal or political interest, including campaigning.

16.4 Provision of Facilities Governance

- 16.4.1 Councillor facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- 16.4.2 Councillors should not obtain more than incidental private benefits from the provision of equipment and facilities. Travel bonuses such as 'frequent flyer' schemes or any other loyalty programs are not to be used while on Council business. Any benefits obtained whilst on Council business remain the property of Federation Council and are not to be used in private circumstances.
- 16.4.3 In situations where private use (beyond an incidental amount) of facilities occurs, Council will establish a suitable rate for the reconciliation and reimbursement by Councillors of that private use.

17. Additional facilities for the mayor

- 17.1 A fully maintained leaseback vehicle with fuel card can be provided to the standard of a 4WD SUV with all expenses met by Council for use. The vehicle may be used by the Mayor for reasonable private purposes. All use will be in accordance with an agreement signed annually by the Mayor.
- 17.2 A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 17.3 Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

- 17.4 In performing his or her civic duties, the Mayor will be assisted by reasonable administrative and secretarial support, as determined by the General Manager.
- 17.5 Staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 17.6 A corporate credit card to be used only for Council-related business to a maximum value of \$2,000.

PART D – PROCESSES

18. Approval, payment and reimbursement arrangements

- 18.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 18.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 18.3 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
 - Carer costs
 - ICT expenditure
- 18.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.
- 18.5 Direct Payment
- 18.5.1 Council may approve and directly pay expenses Requests for direct payment must be submitted to the Manager Finance for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.
- 18.6 Reimbursement
- 18.6.1 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 Manager Finance.
- 18.7 Notification
- 18.7.1 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 18.7.2 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.
- 18.8 Reimbursement to Council
- 18.8.1 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.
- 18.8.2 If the Councillor cannot reimburse Council within 14 days of the invoice date, that are to submit a written explanation to the General Manager The General Manager may elect to deduct the amount from the Councillor's allowance.
- 18.9 Timeframe for Reimbursement
- 18.10 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

19. Disputes

- 19.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 19.2 If the Councillor and General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

20. Return or retention of facilities

- 20.1 Upon completion of their term, extended leave of absence, or at the cessation of their civic duties, all Council provided equipment is to be returned by Councillors, and access to the Councillor facilities will no longer be available.
- 20.2 Councillors have the option to purchase Council IT equipment previously allocated to them at the cessation of their duties This will be at a fair market price determined by the General Manager Any devices purchased or returned will be wiped to Council's security standards.
- 20.3 The prices for all equipment purchased by Councillors under Clause 20.2 will be recorded in Council's Annual Report.
- 20.4 Where the residual value on a particular piece of equipment is determined to be zero, the equipment may be retained by the Councillor at no cost at the cessation of their duties Any ongoing cost incurred in using such equipment will be met by the Councillor.
- 20.5 Upon the election of the new Mayor, the outgoing Mayor will retain access to all the nominated equipment and facilities applicable for Councillors All Mayoral equipment is to be returned to the Council and access to the Mayoral facilities will no longer be available.

21. Publication

- 21.1 This policy will be published on council's website and placed on public exhibition for a period of 28 days.

22. Reporting

- 22.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 22.2 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every 6 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.
- 22.3 The annual report is to include the following information:
 - Details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);
 - Details of the total cost during the year of the payment of expenses for provision of facilities to Councillors in relation to their civic functions (as paid by Council, reimbursed to the Councillors or reconciled with the Councillors) Separate details are to be included for the total cost of each of the following:

- i. provision during the year of dedicated equipment allocated to Councillors, such as tablet computers, mobile telephones (including equipment and internet access costs);
- ii. telephone costs from mobile telephones provided by the Council;
- iii. attendance of Councillors at conferences and seminars, and any spouse/partner/accompanied person expenses paid;
- iv. training of Councillors and the provision of skill development for Councillors;
- v. interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, accommodation and other out-of-pocket travelling expenses. Travel to surrounding Councils in Victoria would be considered local travel;
- vi. overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, accommodation and other out-of-pocket travelling expenses;
- vii. expenses of any spouse, partner or other approved person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines of payment of expenses and provision of facilities for Mayors and Councillors in NSW* prepared by the Chief Executive (Office of Local Government); and
- viii. expenses involved in the provision of care for a child or, or an immediate family member of a Councillor, to allow the Councillor to undertake his or her civic function; and
- ix. any other significant expenses.

23. Auditing

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

24. Breaches

- 24.1 Suspected breaches of this policy are to be reported to the General Manager
- 24.2 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 of Conduct.

25. Advisory Services of a Conduct Reviewer

- 25.1 There may be times when Councillors would benefit from obtaining independent, confidential advice about Code of Conduct issues, particularly regarding conflicts of interest Councillors can access the informal advisory service of the nominated Conduct Reviewer by telephone Council will select this nominated Conduct Reviewer for the term of Council from Council's Panel of Conduct Reviewers.
- 25.2 Councillors will not need to seek approval of the Mayor or General Manager to use the service To provide a transparent audit trail, the invoice to Council should note the name of the Councillor The content will not be noted.
- 25.3 When the annual Code of Conduct statistics report is provided to Council the number of times this advisory service had been used will be reported to Council along with the cost The service will be provided at the reviewer's advertised hourly rates, or pro rata where applicable.

APPENDIX 1 - DEFINITIONS

26. 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 Local Government Act 1993 (NSW)
Annual Conference	Means Local Government NSW Annual Conference.
Business of Council	<p>“Business of Council” for the purpose of this policy Business of Council shall be defined as:</p> <ul style="list-style-type: none"> a) Council meetings b) Committee meetings where all members are Councillors c) Meetings including Public and Community where attendance is authorised by the Council or the Mayor. d) Inspections where attendance is authorised by the Council of the Mayor. e) Conference, Seminars or Workshops where attendance is authorised by Council or under delegated authority by the Mayor or Deputy Mayor and General Manager. f) Meetings or functions attended by the Mayor or his nominee and reported to or endorsed by Council by Minute or General Manager’s Report.
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.
Conference	Means any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session or events related to the industry of local government and held within Australia.
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.
Councillor expenses and facilities policies	Means policies prepared on the payment of expenses and provision of facilities to Mayors and Councillors.

Term	Definition
Expenses	Means payments made by the Council to reimburse Councillors for reasonable costs of charges incurred or to be incurred for discharging their civic functions outlined in this policy that may be either reimbursed to a councillor or paid directly by Council for something that is deemed to be a necessary expense to enable them to perform civic functions Expenses are separate and additional to annual fees.
Facilities	Means equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
Functions of civic office/civic functions	Means functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area.
General Manager	Means the General Manager of Council and includes their delegate or authorised representative.
ICT	Means Telecommunications and Information Communications and Technology.
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy of the Code of Conduct.
Long distance intrastate travel	Means travel to other parts of NSW of more than 3 hours duration by private vehicle.
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in the policy summary at Table 1.
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 • Meeting 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 of the Mayor.
Regulation	Means the Local Government (General) Regulation 2005 NSW.
Year	Means the financial year, that is the 12 month period commencing on 1 July each year.

27. Policy History

Version	Date	Changes / Amendments
1.0	June 2018	Revised
2.0	April 2019	Reviewed Clauses 12.1 to 12.8

28. Reviews

Within the first 12 months of each term, Council must adopt this policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to Councillors in relation to discharging the function of civic office Council may amend the policy at any time under section 252 of the *Local Government Act 1993* (the Act).

Council must give public notice of its intention to adopt or amend the policy allowing a least 28 days for the making of public submissions Before adopting or amending the policy, Council must consider any submissions made during the notice period and make any appropriate changes to the draft policy or amendments.

Council need not give public notice of a proposed amendment to the policy if it considers the proposed amendment is not substantial.

Council must comply with the above requirements when proposing to adopt a policy in accordance with Section 252 (1) of the Act even if Council proposes to adopt a policy that is the same as the existing policy.

NOTE: This is a controlled document. If you are reading a printed copy please check that you have the latest version by checking it on Councils Electronic Document system. Printed or downloaded versions of this document are uncontrolled.

Attachment 1

Councillor Expense Claim Form

Councillor Name: _____ Date: _____

Address: _____

Particulars

Mode of Travel

Vehicle: Under 2.5 Litre

Over 2.5 Litre

Date	From	To	Meeting/Training Attended	km
Total kms				

Out of Pocket Expenses

(Fares, meals, accommodation, etc. associated with any of the above travel).

Details	Meeting/Training	\$ value claimed
Total Claim		

Please attach all invoices and/or receipts

Signature of Councillor

Date

General Manager Approval

Date

Note: Please ensure that all relevant paperwork is attached to this Expenses Claim Form before submitting for approval and that the approved form is presented to the Finance Department with all supporting documents for reimbursement.