

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

Document Name	Document Version Number	Review Date
Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy	1.0.10	September 2020
Date Adopted	Minute Number	Status
21 June 2017	4722	Revised

### Purpose

The purpose of this policy includes:

- to ensure that councillors are reimbursed for all expenses legitimately and reasonably incurred in performing the role of Councillor.
- to establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- to provide for facilities and equipment to be made available to the Mayor and Councillors.
- to provide for facilities and equipment to be made available to an Administrator, if appointed, of Council.

### Scope

Nil.

### Definitions

For the purpose of this policy "business of Council" is defined as:

- Council monthly and extraordinary meetings.
- Any meetings of any Committee of Council where all members are Councillors.
- Council workshops.
- Council/Community Committee meetings, where the Councillor is an appointed delegate or substitute delegate representing Council.
- Attendance at Community Precinct/Reference Committee meetings.
- Meetings where attendance is authorised by the Council, or when authorised by any two of the Mayor, Deputy Mayor or General Manager.
- Inspections where attendance is authorised by the Council or by any two of the Mayor, Deputy Mayor or General Manager.
- To attend public meetings called by Council or requested to attend by any two of the Mayor, Deputy Mayor and General Manager.
- Conferences, seminars and workshops, where attendance is authorised by the Council, or under delegated authority by any two of the Mayor, Deputy Mayor and General Manager.
- Meetings or functions attended by the Mayor or his/her nominee and reported to, or endorsed by, Council via Mayoral Minute.

### Policy Content

#### 1. ANNUAL FEES – MAYOR AND COUNCILLORS

##### 1.1. Fee payable to the Mayor

Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. This fee is paid on a monthly basis.

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### 1.2. Fees payable to the Deputy Mayor

Council has the option, prior to the 30 June each year, to set by resolution, whether an annual fee is payable to the Deputy Mayor for the following year commencing 1 July. The amount of the fee paid to the Deputy Mayor must be deducted from the Mayor's annual fee (refer section 249(5) of the Local Government Act 1993).

### 1.3. Fees payable to Councillors

Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid, monthly in arrears, to a councillor for the following year commencing 1 July, provided that fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Local Government (General) Regulations 2005 and any specific resolution of the Council under Section 254A.

### 1.4. No Deduction Under This Policy From Fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the annual fees payable to the Mayor and Councillors.

## 2. PAYMENT OF EXPENSES

### 2.1. General Provisions

With regard to the use of private vehicles, reimbursement to Councillors will only be made on the basis of actual kilometres incurred in performing the duties of Councillor, a delegate or representing Council (as authorised). Such expenses do not include those incurred as a result of anything other than Council business.

Commencing from the date of election as a Councillor, and ceasing when civic offices are declared vacant, a per kilometre allowance for the use of a Councillor's private vehicle shall be paid to each Councillor attending to the business of Council which requires travel exceeding ten (10) kilometres from their normal place of residence when performing a function authorised by this policy, subject to this being the most effective mode of transport available.

All claims for reimbursement must be made on the prescribed form and must be sufficiently detailed and/or accompanied by appropriate documentary evidence, if available, and should be made within one month.

The amount claimable per kilometre for the use of a private motor vehicle for business of Council shall be the applicable rate as determined by the Local Government State Award.

In respect of the position of Mayor (and Deputy Mayor or Councillor when representing the Mayor) Council shall pay the cost of attending a community function in an official capacity. The costs of a partner shall also be met.

Attendance at conference, discretionary trips and provision of significant expenses and facilities shall be (where possible) approved by the full Council. If this is not possible, approval should be jointly given by the Mayor and General Manager.

If the Mayor requires approval, it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

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In respect of a conference or seminar, a Councillor who does not attend the majority of the sessions of the conference/seminar shall be eligible for only 50% reimbursement of any sustenance, accommodation and travel expenses, unless extenuating circumstances apply.

Approved travel shall be in the most efficient and effective manner having regard to the requirements of individual Councillors.

Councillors shall make payment to Council for any private use of Council facilities provided in accordance with this Policy.

Reimbursement is not required for incidental private use of Council facilities.

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. These must be fully reconciled against actual expenses incurred and presented to Council within 30 days of the expenses being incurred. Council shall not pay a general allowance unrelated to actual expenses under any circumstance.

Incidental expenses such as telephone calls, refreshments, internet charges, taxi fares and parking will be reimbursed upon presentation of documentary evidence or completion of a signed statement listing the payments.

Gifts and benefits given by councillors to visiting dignitaries or new citizens shall be of token value. The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

### 3. SPECIFIC PROVISIONS

#### 3.1. Sustenance

Where a Councillor incurs sustenance expenses that arise from attending to business which has been approved in accordance with this policy, but does not involve an overnight stay and/or absence from the Shire, reimbursement of actual costs incurred will be paid, provided there is adequate substantiation of the expenditure up to a maximum of \$100 per day.

A reasonableness test will be applied at all times.

#### 3.2. Accommodation

For all approved delegations, conferences, seminars, etc. Council shall pay the cost of accommodation, meals and beverages for all necessary overnight stays, subject to the submission of appropriate accounts and/or receipts. Where practicable, Council staff shall make all arrangements and bookings for accommodation.

The cost of accommodation (excluding meals) is to be no greater than \$275.00 per night in an Australian Capital City and no greater than \$250.00 per night in regional cities (e.g. Wollongong, Newcastle, Dubbo) and \$200.00 in rural areas.

Meals must be in accordance with the sustenance provisions above. A reasonableness test will be applied at all times.

### 3.3. Travel

The following applies only to travel authorised by Council, or by any two of the Mayor, Deputy Mayor and General Manager.

Where practicable, travel shall be by way of Council vehicle.

Where a Councillor uses a private vehicle, the Councillor shall be reimbursed on a per km basis at the rate determined in 2.1 above.

The driver is responsible for all traffic or parking fines whilst travelling in a private or Council vehicle on Council business.

Wherever possible, personally every effort is to be made to minimise such costs through the use of Council vehicles and sharing with other Councillors and staff where appropriate.

Travel other than by private vehicle (i.e. by taxi, train or other public transport) shall be reimbursed on an actual cost basis.

Reimbursement of travel and other expenses is only payable for the attendance at Council meetings, workshops, Committee Meetings (where all members are Councillors) or when attending commitments as Council's nominated delegate. Reimbursement of travel and other expenses will only be made to Council's delegate and/or alternate or other Councillors having been previously approved by the full Council, or in cases of urgency by the Mayor and General Manager.

Where possible, councillors other than the approved delegate and/or alternate delegate, should seek approval to attend Council committee and other meetings (e.g. REROC) prior to the event, however, retrospective approval may be considered by Council.

Due to their standing in the community Councillors will receive invitations to a number of community events such as fairs, fetes, art shows, etc.; however it is not expected that a travel reimbursement will be claimed for such activities unless formally representing Council at such events.

### 3.4. Air Travel

Where the Council, or by any two of the Mayor, Deputy Mayor and General Manager deems travel by a Councillor by road vehicle inappropriate, travel may be by air.

The standard of air travel shall be economy class.

Council staff shall, under normal circumstances, make arrangements and bookings for travel.

### 3.5. Interstate Travel

Prior to any interstate travel being taken, travel must be approved by a full meeting of Council, with complete details of the proposal included in Council's agenda for consideration. Details of proposed interstate travel should document purpose of the trip, expected benefits, duration, itinerary and approximate total costs of each visit.

Any interstate travel will be approved by Council on an individual trip basis only.

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No retrospective reimbursement of interstate travel expenses will be paid unless prior authorisation of the travel has been obtained.

This policy does not refer to incidental cross border travel, given the proximity of Greater Hume Shire to the Victorian border.

### **3.6. Overseas Travel**

Prior to any overseas travel being taken, travel must be approved by a full meeting of Council, with complete details of the proposal included in Council's agenda for consideration.

Details of proposed overseas shall be provided including purpose of the trip, expected benefits, duration, itinerary and approximate total costs of each visit.

Any overseas travel will be approved by Council on an individual trip basis only.

No retrospective reimbursement of overseas travel expenses will be paid unless prior authorisation of the travel has been obtained.

### **3.7. Registration Fees**

Council shall pay all registration fees arising from the approved attendance of a Councillor at a conference or seminar. This shall include any costs of attending official functions and tours.

Where a Councillor is unable to attend a conference or seminar and a full refund of fees paid cannot be obtained, or an alternative delegate cannot be substituted, the Councillor shall be responsible for the payment of any shortfall, unless extenuating circumstances apply.

### **3.8. Accompanying Spouses/Partners/Accompanying Persons**

Councillors may invite their spouses/partner/accompanying person to accompany them on a business trip. Council will not pay for any costs including conference registration, official conference dinner or any additional travel, accommodation or accompanying person tour expenses associated with this person. Council shall pay the reasonable expenses of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal or ceremonial nature within the Local Government Area.

Council shall pay the reasonable expenses for a spouse, partner or accompanying person of a Mayor, or a Councillor when they are representing the Mayor, when they are called upon to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Council areas, but within the State.

### **3.9. Vacation on Business Trips**

Councillors seeking to extend their travel while on a business trip must notify the General Manager prior to making any arrangements. Councillors will be responsible for all expenses associated with the extension of their travel.

### **3.10. Training and Educational Expenses**

Council makes separate provision for the payment of relevant training and educational expenses incurred by Councillors in its budget. Accordingly, Council supports and encourages an active learning process and skills development in addition to attending seminars and conferences related to council functions. It is essential where Council is paying these expenses that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

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### 3.11. Care and Other Related Expenses

For Councillor(s) who are official carers, Council will reimburse the reasonable cost of carer arrangements (ie the care of children, elderly, disabled and/or sick immediate family members of Councillors).

Councillors who require access to childcare in order to attend Council meetings, event and activities will be provided with child care through a registered and accredited child care provider, at Council's expense.

Consideration is given to the payment of other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

Council will be only responsible for the reimbursement of additional expenses reasonably incurred to allow the Councillors to perform their normal civic duties and responsibility. Council will also give consideration to the payment of reasonable expenses to cover special requirements (eg: attendance at conferences).

Reimbursement will be made upon the production of a receipt and completion of an expenses claim form submitted to the General Manager.

## 4. PROVISION OF FACILITIES

### 4.1. General Provisions

Council facilities and equipment should only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council.

### 4.2. Specific Provisions

#### 4.2.1. Laptop Computers

If requested each Councillor will be provided with a laptop or tablet computer and required software to facilitate the timely distribution of meeting agendas, minutes and other relevant information.

#### 4.2.2. Internet connection

Where a Councillor has been provided with a laptop or tablet computer, Council will reimburse up to 50% of the cost of the connection or \$50.00 per month whichever is the lesser.

#### 4.2.3. Council Vehicle

Subject to availability, Councillors may use Council vehicles for travel authorised by any two of the Mayor, Deputy Mayor and General Manager.

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

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### 4.2.4. Council telephone and equipment

- Except in an emergency, Councillors use of Council phones shall relate to the business of Council only.
- The Mayor and Councillors are entitled to reasonable free access to photocopiers, telephone, office accommodation, stationery, etc. at any of Council's offices, provided such use is essential to them performing their role as a Councillor in pursuit of their civic duties.

### 4.2.5. Council information

- Council staff will provide appropriate information and documentation to assist Councillors in the performance of their duties.
- Where copies of documents or information are required, a request should be made to the General Manager, the appropriate Director.
- Requests from Councillors for in-depth information, research or reports to Council shall be initiated by way of either Council resolution or by authorisation from the General Manager or Mayor.
- Councillors are also directed to Council's policy titled "Councillor Access To Information and Staff".
- Council shall supply all paper, and consumables for use in machines provided by Council.
- Where Councillors receive Council information via email, Council will reimburse the reasonable cost of paper and consumables, ie printer cartridges.
- Council will not provide internet connections nor accept any internet charges for Councillors.
- Councillors should also refer to Council's Computer and Information Technology Use Policy.

### 4.2.6. Secretarial Duties

Council provides secretarial support via its Governance Executive Assistant staff, to carry out secretarial duties directly associated with their role as a Councillor.

### 4.2.7. Meals and Beverages

Council shall supply all Councillors with appropriate meals, refreshments and/or beverages associated with Council and committee meetings and functions.

### 4.2.8. Stationery

Stationery comprising business cards, letterheads, envelopes, writing pads and pens shall be provided upon request.

### 4.2.9. Councillors' Name Badges

The Mayor and Councillors shall be provided with a badge of office and business cards, sufficient to meet their needs of their civic duties.

### 4.2.10. Private Benefit

Councillors should not obtain private benefit from the provision of equipment and facilities. Any incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to a compensatory payment back to Council. In the event that substantial use does occur section 252(2) of the Act provides that a payment will be made to cover the level of private use received.

### 5. ADDITIONAL MAYORAL EXPENSES AND FACILITIES

In addition to facilities and payment of expenses to all Councillors, the Mayor shall have the following facilities provided and allowances paid:

- Mobile telephone with car kit.

### 6. INSURANCE

In accordance with section 382 of the Local Government Act 1993, Council will effect Public Liability and Professional Indemnity Insurance for Councillors, notably:

- Councillors and Officers Liability Cover.
- Personal injury while on council business. Note that Councillors are not covered by workers' compensation payments or arrangements.
- Travel insurance for approved travel on council business.
- Council will effect and maintain insurance to cover any loss or damage to Council property in the possession or control of Councillors.

At any time during the currency of this policy, additional insurance may be taken out to cover Councillors, if and when it is identified.

### 7. LEGAL EXPENSES AND OBLIGATIONS

If the Mayor or a Councillor incurs legal expenses in any enquiry, investigation or hearing instigated by any of the following:

- Independent Commission Against Corruption
- The Office of the Ombudsman
- Department of Local Government
- NSW Police Force
- The Director of Public Prosecutions
- The Local Government Pecuniary Interest Tribunal
- Conduct Review Committee.

and the enquiry, investigation or hearing results from the Mayor or Councillor discharging their duty, or relate to the office of Mayor or Councillor, then the Council may, after considering this matter (and an estimate of the cost), resolve to pay such expenses incurred.

This assistance is on the basis that the costs do not vary substantially from the estimate considered by Council provided that:

- The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor; and
- The enquiry, investigation, hearing or proceeding results in a finding that is not substantially unfavourable to the Councillor; and
- The costs are only paid after the hearing, enquiry or investigation, and following a resolution of Council.



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- A council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
- A council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

### 8. OTHER MATTERS

Acquisition and return of facilities and equipment by Councillors under this policy shall remain the property of Council and be returned in good condition upon the Mayor or Councillor ceasing to hold civic office.

### 9. DISPUTES

Should a dispute arise regarding the payment of an expense or the provision of a facility to a councillor, then the matter shall be referred to the next ordinary meeting of council for determination.

### 10. IMPLEMENTATION STATEMENT

- Draft policy is presented to Council for determination, alteration and resolution that the draft policy be placed on public exhibition for 28 days seeking input from the community.
- Advertisements placed indicating that the draft is on public exhibition for 28 days.
- Consider submissions and decide whether to amend the policy & amendments, if determined, completed.
- Council to formally adopt the policy.
- Policy is placed in policy register and No. issued and placed on Council's web site.
- Send a copy of the policy, the public advertisement and submissions and responses to the Director – General of the Department of Local Government.
- Adopted policy given to all Councillors.
- Draft proforma forms for travelling claims, reimbursement of sustenance, accommodation, etc. and disseminate to Councillors.
- Set up procedure so that insurance policies are paid annually.

#### Links to Policy

Nil.

#### Links to Procedure

Insert Content

#### Links to Forms

Councillors Travel Claim Form

#### References

Insert Content

#### Responsibility

Council and General Manager.

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## Document Author

General Manager

## Relevant Legislation

The payment of expenses and provision of facilities to the Mayor and Councillors are covered under sections 252, 253 and 254 of the Local Government Act 1993, in accordance with clause 403 of Local Government (General) Regulation 2005 and the Anti-Discrimination Act 1977.

Council will take account of and make reasonable provision for special needs of Councillors as and when they arise. This may include ensuring access to appropriate parts of Council premises and provision for sight or hearing impaired Councillors.

Under section 252 of the Local Government Act 1993, Council must adopt a policy of expenses and the provision of facilities within five (5) months after the end of each year. Council will review this policy each year at the meeting where the Mayor and Deputy Mayor are appointed (normally conducted at the September meeting).

Under section 252(5) of the Local Government Act 1993, this Policy must comply with the Division of Local Government issued "Revised Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors for Local Councils in NSW", dated 7 October 2009.

Under section 253(1) of the Local Government Act 1993 Council must give public notice of its intention to adopt or review a policy for payment of expenses or provision of facilities to the Mayor and/or Councillors and allow at least 28 days for public submissions. Before adopting or amending the policy, Council must consider any submissions received and may make any appropriate changes.

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 outlines that the public is 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. Upon request, a copy of both documents shall be provided at no charge.

This policy takes into account the following Circulars:

Circular 05/08 Legal Assistance for Councillors and Council Employees

Circular 08/24 Misuse of Council Resources

Circular 09/36 Revised Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Circular 11/27 Findings from review of Councillor Expenses and Facilities Policy.

This Policy is consistent with the Model Code of Conduct for Local Councils in NSW, as adopted by Council on 16 July 2008. The following parts of the code are particularly relevant to s252 policies:

Use of Council Resources (pp 19-20).

10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

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10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that council property, official services and facilities, and must not permit their misuse by any other person or body.

10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.

10.17 You must not convert any property of the council to your own use unless properly authorised.

10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature. ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources.

This policy takes into account the Independent Commission Against Corruption (ICAC) publication "No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2)" November 2002.

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

### Further Actions Once Policy Is Adopted

Within 28 days after adopting a policy or making an amendment to a policy relating to payment of expenses and provision of facilities for the Mayor and Councillors, Council is to forward to the Director-General:

- a. A copy of the policy and amendments together with details of all submissions received.
- b. A statement setting out, for each submission, the Council's response to the submission, and the reasons for the Council's response; and a copy of the notice given.

### Additional Notes

This policy replaces GHS Policy "Policy For The Provision Of Expenses & Provision of Facilities for Councillors" adopted on 21 October 2015.

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248 - 251 of the Local Government Act 1993. Those fees are determined at the meeting where annual mayoral elections are conducted, as outlined earlier.

### Associated Records

Nil.