

POLICY REGISTER

COUNCILLOR EXPENSE POLICY

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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 benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility		
	Maximum amount / Frequency Provided to all Councillors upon approval to travel privately (non-Council Vehicle)	General travel expenses \$1,000 per Councillor per year.
		\$6,000 for the Mayor / year
	Interstate, overseas and long distance	
	intrastate travel expenses	\$10,000 total for all Councillors Per year
	Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually per meal/night
Professional development		\$2,000 per Councillor / year
Conferences and seminars		\$20,000 total for all Councillors / year
ICT expenses	iPad, Laptops and ancillary IT items.	\$2,000 per Councillor (upon election)
Carer expenses	To attend Council or committee meetings.	\$2,000 per Councillor per year
Home office expenses		\$100 per Councillor per year
Corporate Clothing		\$500 per Councillor per term
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	\$10,000/ year
Furnished office	Provided to the Mayor	\$500 per term

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 two (2) months of an expense being incurred. Claims made after this time cannot be approved.

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

This policy will commence on **//******

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 Warren Shire 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. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. [The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range].
- 1.5. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

2. POLICY OBJECTIVES

The objectives of this policy are to:

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

3. PRINCIPLES

Council commits to the following principles:

- Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- Reasonable expenses: Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.

- Participation and access: Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
- Equity: There must be equitable access to expenses and facilities for all Councillors.
- Appropriate use of resources: Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- Accountability and transparency: Clearly stating and reporting on the expenses and facilities provided to Councillors.

4. PRIVATE OR POLITICAL BENEFIT:

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. 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.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. 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.
- 4.5. Campaigns for re-election are a private interest. The following are examples of what is a private interest during a re-election campaign:
 - production of election material
 - use of Council resources for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

5. GENERAL EXPENSES

- 5.1. 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.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. SPECIFIC EXPENSES

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of \$1,000 per year for travel expenses incurred while undertaking official business or professional

development or attending approved conferences and seminars within NSW. This includes reimbursement:

- for public transport fares
 - for the use of a private vehicle or hire car ☐ for parking costs for Council and other meetings ☐ for tolls ☐ for documented ride-share programs, such as Uber.
 - by Cabcharge or equivalent.
- 6.3. Allowances for the use of a private vehicle, outside a 10km radius of the Warren Shire Council Administration building, will be reimbursed at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. This section includes reference to long distance intrastate travel. At Warren Shire Council long distance intrastate travel is travel that is estimated to take more than six hours from the Councillor's residence.
- 6.6. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.7. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped at a maximum of \$10,000 per year. This amount will be set aside in Council's annual budget.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a business case to, and obtain the approval of, the Council prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a request to, and obtain the approval of, a full Council meeting prior to travel.
- 6.10. The request should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result and its relevance to the exercise of the Councillor's civic duties.
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long distance intrastate journeys of less than three hours the class of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy where it is available.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made by Council staff on behalf of the Councillor.
- 6.15. For travel that is reimbursed as Council business, frequent flyer points will not

accrue to Councillors. This is considered a private benefit.

Travel expenses not paid by Council

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

Accommodation and meals

- 6.17. Council will reimburse costs for accommodation and meals (when meals are not provided) while Councillors are undertaking prior approved travel or professional development.
- 6.18. 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, as adjusted annually.
- 6.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the GM, being mindful of Clause 6.18.
- 6.20. Councillors will not be reimbursed for the purchase of alcoholic beverages.

Refreshments for Council related meetings

- 6.21. Appropriate refreshments may be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the GM.
- 6.22. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the GM must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.23. Council will set aside \$2,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.24. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. 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.
- 6.26. Approval for professional development activities is subject to a prior written request to the GM outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business, and
 - relevance to the exercise of the Councillor's civic duties.
- 6.27. In assessing a Councillor request for a professional development activity, the GM must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.28. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.29. Council will set aside a total amount of \$20,000 annually in its budget to facilitate Councillor registration fees for attendance at conferences and seminars, excluding the Local Government NSW Annual Conference. This allocation is for all Councillors. The GM will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the GM. In assessing a Councillor request, the GM 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.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the GM. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.19-6.22.

Local Government NSW Annual Conference

- 6.32. A maximum of 3 Councillors (Mayor and 2 councillors) per year will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in ‘Accommodation and meals’.
- 6.33. 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.

ICT expenses

- 6.34. Council will provide, or reimburse Councillors for expenses associated with, appropriate ICT devices and services up to a limit of \$2,000 per term for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.
- 6.35. 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.
- 6.36. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

Special requirement and carer expenses

- 6.37. 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.

- 6.38. Transportation provisions as outlined in this policy, such as access to Cabcharges, will also assist Councillors who may be unable or unwilling to drive a vehicle.
- 6.39. In addition to the provisions above, the GM may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.40. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to re-imbusement of carer's expenses up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.41. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.42. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the GM that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.43. Each Councillor may be reimbursed up to \$100 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. INSURANCES

- 7.1. 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.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors traveling on approved interstate and overseas travel on Council business.

8. LEGAL ASSISTANCE

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or

review and the investigative or review body makes a finding substantially favourable to the Councillor.

- 8.2. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the GM to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
 - of legal proceedings initiated by a Councillor under any circumstances ☐
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

PART C – FACILITIES

9. GENERAL FACILITIES FOR ALL COUNCILLORS:

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
 - a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol) ☐
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor
 - a corporate clothing package up to \$500 per term, incorporating a jacket, tie/ scarf and shirt/blouse
- 9.2. The provision of facilities will be of a standard deemed by the GM as appropriate for the purpose.
- 9.3. Council may from time to time provide additional facilities for Councillor use, such as protective safety equipment for use during site visits.

Stationery

- 9.4. Council will provide Councillors with diaries or other stationary as required.
- 9.5. Council may from time to time provide stationery or branded items for Councillor use.

Administrative support

- 9.6. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by

the GM or their delegate.

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

10. ADDITIONAL FACILITIES FOR THE MAYOR

- 10.1. Council will provide to the Mayor a maintained motor vehicle to a similar standard to the General managers vehicle, with a fuel card. The vehicle will be supplied for use in attending official business and professional development and attendance at the Mayor's office.
- 10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.
- 10.3. The Mayoral Allowance will be reduced to cover the cost of any private use recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4. A parking space at Council's offices will be available for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 10.5. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.6. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the GM.
- 10.7. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
- 10.8. As per Section 4, 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.

11. PART D – PROCESSES

Approval, payment and reimbursement arrangements:

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. 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.
- 11.4. Final approval for payments made under this policy will be granted by the GM or their delegate.
- 11.5. All requests for reimbursement will be reviewed by two staff members and

payment will be authorised by a staff member with the appropriate financial delegation.

- 11.6. The GM will provide a system for the request of reimbursements for Councillors. This will include a form whereby Councillors will be required to specifically identify the clause within this policy to which the request relates.

Direct payment

- 11.7. Council may approve and directly pay expenses. Requests for direct payment must be submitted through the appropriate system for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.8. 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 through the appropriate system.

Advance payment

- 11.9. Council may provide a Debit Card to Councillors attending approved conferences, seminars or professional development.
- 11.10. Requests for Debit Card use must be submitted to the GM for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
- 11.11. Councillors must fully reconcile all expenses against the Debit Card within 14 days of incurring the cost and/or returning home.

Reimbursement to Council

- 11.12. 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.
- 11.13. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the GM. The GM may elect to deduct the amount out of the Councillor's allowance.

Timeframe for reimbursement

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

12. DISPUTES

- 12.1 If the Councillor disputes a determination under this policy, the Councillor should discuss the matter with the GM.
- 12.2 If the Councillor and the GM cannot resolve the dispute, the Councillor may submit a notice of motion to Council seeking the dispute resolved.

13 RETURN OR RETENTION OF FACILITIES

- 13.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office. Councillors must return all Council owned items prior to the date of a general election regardless of nominating for re-election. This includes all ICT devices.

14 PUBLICATION

- 14.1 This policy will be published on Council's website.

15 REPORTING

- 15.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16 AUDITING

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

17 BREACHES

- 17.1 Suspected breaches of this policy are to be reported to the Council.
- 17.2 In accordance with the Code of Conduct this Councillor Expenses and Facilities Policy is a policy of Council and must not be contravened.
- 17.3 Alleged breaches of this policy shall be dealt with by the following processes outlines for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – APPENDICES

APPENDIX I: RELATED LEGISLATION, GUIDANCE AND POLICIES

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 Legal Assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct
Adopted by council ##/##/####

APPENDIX II: 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
- General Manager - Means the GM of Council and includes their delegate or authorised representative
- Clause Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
- Code of Conduct - Means the Code of Conduct adopted by Council or the Model Code if none is adopted
- Councillor - Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
- 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 or the Code of Conduct
- Long distance intrastate travel Means travel to other parts of NSW of more than three hours duration by private vehicle
- Maximum limit - Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 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:
 - meetings of Council and committees of the whole
 - meetings of committees facilitated by Council
 - civic receptions hosted or sponsored by Council
 - meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
- Professional development Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
- Regulation Means the Local Government (General) Regulation 2005 (NSW)
- Year - Means the financial year, that is the 12 month period commencing on 1 July each year