

## **EXPENSES AND FACILITIES – MAYOR & COUNCILLORS**

### *Objective*

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

### *Scope*

Expenses incurred by and facilities and equipment provided to the Mayor and Councillors in the discharge of functions associated with public office.


### *Policy*

The payment of expenses and the facilities which may be provided to the Mayor and Councillors under this policy shall be provided in addition to the annual fees payable to the Mayor and Councillors as 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.

### PART 1 - CODE OF CONDUCT

Council's Code of Conduct sets out minimum requirements of behaviour for Council officials. The Code of Conduct refers, in part, to the use of Council resources as follows:

- 8.13 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.
- 8.15 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.
- 8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property, or facility.
  - 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
    - a) for the purpose of assisting your election campaign or the election campaign of others, or
    - b) for other non-official purposes
  - 8.19 You must not convert any property of the Council to your own use unless properly authorised.
  - 8.20 You must not use Council's resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

## PART 2 - FACILITIES FOR MAYOR AND COUNCILLORS

### 2.1 Mayor

The Mayor, in carrying out the duties of office, is entitled to receive the following:

- 2.1.1 The use of the Mayoral Chain of Office.
- 2.1.2 Suitable office accommodation within the Administration Building including the provision of a computer and software packages that enable email and internet services.
- 2.1.3 A range of secretarial services including telephone and reception duties, typing, organisation of Civic Receptions including catering, preparation of speeches, press releases and correspondence and other reasonable requests by the Mayor. This service is reviewed and renegotiated with the Mayor annually following each Mayoral election.
- 2.1.5 A mobile telephone for which all expenses are paid but which is to be used exclusively for Council and Civic duties.
- 2.1.6 Reimbursement of phone calls made in relation to Council and Civic duties on a private phone service on an actual cost recovery basis.
- 2.1.7 Reasonable expenses for the Mayor and partner/accompanying person to attend on behalf of Council in the office of Mayor on official or legal occasions including travel, accommodation subsistence and the like. Attendance at local functions (excluding conferences as defined in Clause 3.1) by the Mayor and partner/accompanying person shall be paid by Council.

2.1.8 Mayoral business cards

2.2 Councillors

To assist the Councillors, including the Mayor, in discharging the function of Civic Office Councillors are, if they request, entitled to receive the following without reduction to the fees payable under Section 248/249 of the Act:

2.2.1 Suitable meals associated with Council meetings, and meetings of Councillors with Parliamentary representatives, visiting dignitaries and other delegations. These meals are normally organised as part of the meeting process.

It is noted that Council does not fund off site meals in conjunction with the monthly Ordinary meetings of Council.

2.2.2 Suitable stationery supplies and:

- Name badges
- Postage - official Councillor correspondence - to be directed through the Council's own mail system.

2.2.3 Access to Information - Councillors can obtain copies of Council information, if the information is required to enable a Councillor to undertake their role as defined under S232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, Councillors are to direct their enquiries to the General Manager, the relevant Director, or an officer nominated by the Director.

2.2.4 Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with discharging the duties of Civic Office.

2.2.5 The provision and maintenance of a personal computing device to each of the Councillors for use on official duties connected with discharging the duties of civic office. Such equipment to be returned to Council upon completion of term of office.

## PART 3 - TRAVELLING ON COUNCIL BUSINESS

### 3.1 Attending Conferences

In this part **conference** means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the industry of local government and held within Australia.

Prior approval by resolution of Council is required for Councillor attendance at conferences, training and educational courses and seminars, meeting, functions, etc. If approval is required at short notice, the Mayor and General Manager (or where the Mayor is seeking approval, the Deputy Mayor and General Manager) are authorised to jointly approve such attendance.

### 3.2 Conference Costs

#### 3.2.1 Registration

Council will pay all normal registration costs for Councillors/delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

#### 3.2.2 Accommodation

Council will pay reasonable double room or twin share accommodation costs for Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

#### 3.2.3 Travel

- (a) All reasonable travel costs for Councillors/delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used, Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the General Manager.
- (d) Councillors using private (Councillors' own) vehicles in accordance with this policy may claim the kilometre rates for the necessary travel at the rate set by the Local Government (State) Award 2017 as at the date of travel with such rate deemed to cover and include any claims for accidental damage or repairs to the private vehicle and any loss of no claim bonus and any excess not covered by an insurance. This claim for kilometre allowance is subject to such claim not exceeding economy class air fares to and from the particular destination.

- (e) Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, will be reimbursed by the Council (on production of a completed Reconciliation of Expenses claim form).

### 3.3 Councillor Development Programs

Each Councillor is required to undertake a Councillor information session run by the Department of Local Government on election to Council. Each Councillor will be encouraged to undertake at least one Professional Development Course every two years. A Personal Development Training Plan is to be prepared by the General Manager each year based on funds allowed within the annual estimates of Income and Expenditure.

### 3.4 Travel within Gilgandra Shire

3.4.1 Councillors' travel expenses associated with the cost of use of their own vehicles will be reimbursed at the rate set by the Local Government (State) Award 2017 as at the date of travel in the following circumstances:

- (a) To and from the meetings of the Council, or the meetings of any committee of the Council;
- (b) Upon inspections within the area, provided such inspections are undertaken in compliance with resolutions of the Council;

3.4.2 Where a Councillor's principal place of abode is outside of the Shire boundary, travel expenses to and from the meetings of Council or the meetings of any committee of Council will be reimbursed for travel from the Shire boundary to the meeting place and return by the shortest recognised route.

### 3.5 Out-of-Pocket Expenses

3.5.1 So that Councillors, as delegates of the Council attending conferences are not financially disadvantaged, each Councillor attending a Conference (as defined above) pursuant to a Council resolution or Mayoral authority, shall be entitled to claim "out-of-pocket" expenses by completing a Reconciliation of Expenses claim form.

3.5.2 The amount of the payment under Clause 3.5.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred.

3.5.3 Such payment shall be made to cover all incidental expenses associated with the conference attendance for such as:

- (i) telephone expenses. Private telephone expenses are to be paid for by the delegate;
- (ii) breakfasts, lunches, dinners and other meals not included in the registration fee;

- (iii) laundry - Council will meet the cost of reasonable laundry or dry cleaning services whilst at the conference, if necessary;
- (iv) any optional activity in a conference program;
- (v) bar fridge - Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.
- (vi) bar service - Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of the Council's delegation.
- (vii) gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the General Manager.
- (viii) gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received must be declared in Council's Gift Register.

3.5.4 Reimbursement of expenses shall be paid by Council within fourteen days of receiving a claim. (Claims must be lodged within one month of the expense being incurred).

3.5.5 When requested by a Councillor, Council may provide an advance payment for the cost of a service associated with a civic duty, subject to reconciliation with actual costs within fourteen days of the service being paid for.

## 3.6 Conference Costs - Councillors'/Delegates' Accompanying Person

3.6.1 Where the Councillor is accompanied at a conference, all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council.

3.6.2 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

## 3.7 Local Functions

Where Councillors attend local functions on behalf of Council, Council will be responsible for the payment of any fees for both the Councillor and their partner/accompanying person.

## 3.8 Travel by the Mayor

The Mayor may undertake such travel as is necessary to discharge the role of the Mayor as defined in Section 226 of the Act. Such travel does not include overseas travel for which separate approval is required by Council in each instance.

## PART 4 – LEGAL ASSISTANCE FOR COUNCILLORS

### 4.1 In the event of:

#### (a) any enquiry, investigation or hearing by any of:

- the Independent Commission Against Corruption;
- the Office of the Ombudsman;
- the Department of Local Government and Co-operatives;
- the Police;
- the Director of Public Prosecutions; or
- the Local Government pecuniary Interest Tribunal,

into the conduct of a Councillor in performing or exercising his or her functions as a Councillor under the Local Government Act ; or

#### (b) legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor,

Council shall reimburse such Councillor, at the conclusion of such enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis PROVIDED THAT:

- i. the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
- ii. that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.

### 4.2 Legal Advice

Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the code of conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her duties as a Councillor will be provided and paid for by Council.

## PART 5 – CARE ARRANGEMENTS

Council will reimburse Councillors reasonable expenses incurred in relation to the cost of carer arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members. Claims for reimbursement are to be made within fourteen days of the expense being incurred using the Reconciliation of Expenses claim form.

## PART 6 - INSURANCES

Council will maintain adequate insurance cover for Councillors in relation to:

- Public Liability (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their civic functions)



- Professional indemnity (for matters arising out of a Councillor's performance of their civic duties and/or exercise of their functions)

## PART 7 – ANNUAL FEES – MAYOR AND COUNCILLORS

### 7.1 Fees Payable to Councillors

Pursuant to Section 248 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to a Councillor 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. Such payment shall be subject to any specific resolution of the Council under Section 254A.

### 7.2 Fees Payable to the Mayor

Pursuant to Section 249 of the Act, the Council shall, prior to 30th June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1st July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

#### **NOTE:**

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

## PART 8 – DISPUTES

Should a dispute arise about the provision of expenses and facilitates the matter is to be resolved by determination of the General Manager in compliance with this policy in the first instance.

Should the Councillor consider the determination to be incorrect, then the matter shall be reported for determination by the full Council at the next available Council meeting.

### *Relevant Legislation*

Local Government Act 1993 (NSW)

Local Government (General) Regulation 2021 (NSW)

### *Associated Documents*

Council's Code of Conduct (available on Council's Intranet – C&BS Documents)

Office of Local Government's Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW (available on Council's Intranet – C&BS Docs)

Local Government (State) Award 2023



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