COUNCILLOR EXPENSES AND FACILITIES

Summary:
The purpose of this policy is to ensure that Councillors receive adequate and reasonable payment of expenses and the provision of facilities and equipment to enable them to carry out their civic duties. It also ensures that they are provided in a consistent, transparent and accountable manner.

The format for this policy has been provided by the New South Wales Office of Local Government and has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulations 2005.

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Department	Civic Office
Policy Custodian	Chief Executive
Superseded Documents	1.160 - Payment of Expenses and Provision of Facilities to Councillors Policy (V14)
Related Legislation	Councillor Expenses and Facilities Policy – Better Practice Template 27 June 2017. Office of Local Government Circular 17-17. ICAC publication – No excuse for misuse, preventing the misuse of Council resources. TSC Code of Conduct.
Delegations of Authority	Chief Executive, Chief Corporate Officer, Director Engineering/Infrastructure,

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 Tenterfield 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. 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 its annual fees within this set range.

2. Policy objectives

2.1. 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 the Council's statutory responsibilities.

3. Principles

3.1. 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 the Council.

4.5. 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, and
- 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, and the Mayor may be reimbursed, 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;
- use of a private vehicle or hire car;
- parking costs for Council and other meetings;
- tolls;
- Cab charge card or equivalent, and
- documented ride-share programs, such as Uber, where tax invoices can be issued.

6.3. Councillors may be reimbursed for return trips from their usual place of residence within Tenterfield Shire, up to a maximum of $500 per annum, to Council's Administration Office in Tenterfield Township, for the purpose of collecting hard copies of Council business papers, publications and/or other documents relevant to Council business, when advised by Council's Executive Assistant & Media that these are available for collection.

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

6.5. 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

6.6. Given Council's location near an interstate border, travel to South East Queensland will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 6.1-6.4.

6.7. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councillors 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.

6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Chief Executive prior to travel.

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

6.10. The case 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, and

- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

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

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

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

6.13 Bookings for approved air travel are to be made through the Chief Executive's office.

6.14 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.

Travel expenses not paid by Council

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

Accommodation and meals

6.16 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 Chief Executive. This includes where a meeting finishes later that 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

6.17 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Tenterfield local government area.

6.18 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Council's Conference/Seminar/Training Expenses Policy.

6.19 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive, being mindful of Clause 4 and Clause 6.18.

6.20 Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

6.21 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 Chief Executive.

6.22 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive must be mindful of Clause 4 and Clause 6.18.

Professional development

6.23 Council will 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 Chief Executive 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 Chief Executive must consider the factors set out in Clause 6.26, as well as the cost of the professional development.

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 Approval to attend a conference or seminar is subject to a written request to the Chief Executive. In assessing a Councillor request, the Chief Executive 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, and
- cost of the conference or seminar.

6.30 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive. 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 6.18 and 6.20.

Information and communications technology (ICT) expenses

6.31 Council will provide Councillors with appropriate IT hardware such as an electronic iPad or Notebook equivalent, to meet the ICT needs associated with his or her civic duties.

6.32 Council will provide Councillors with appropriate IT data services up to a limit of $600 per annum ($50 per month) for each Councillor and $1200

per annum ($100 per month) for the Mayor. This may include mobile phone and home internet data costs.

6.33 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, and
- diary and appointment management.

6.34 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

6.35 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.

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

6.37 In addition to the provisions above, the Chief Executive may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

6.38 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of $1500 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

6.39 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

6.40 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

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 travelling 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 provided that the outcome of the legal proceedings is favourable to the Councillor
- 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 and the outcome of the legal proceedings is favourable to the Councillor
- 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 code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

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:

- access to shared car parking spaces while attending Council offices on official business;
- personal protective equipment for use during site visits, and
- 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.

9.2 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.

9.3 The provision of facilities will be of a standard deemed by the Chief Executive as appropriate for the purpose.

Administrative support

9.4 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 Chief Executive or their delegate.

9.5 As per Clause 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Part D – Processes

10. Approval, payment and reimbursement arrangements

10.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

10.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

10.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- carer costs

10.4 Final approval for payments made under this policy will be granted by the Chief Executive or their delegate.

Direct payment

10.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Executive Assistant and Media 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

10.6 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 Executive Assistant and Media.

Notification

10.7 If a claim is approved, Council will make payment directly or reimburse the Councillor via direct deposit to their nominated bank account in the next available payment run.

10.8 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Timeframe for reimbursement

10.9 Councillors must provide all claims for reimbursement within 60 days of an expense being incurred. Claims made after this time cannot be approved.

11 Disputes

11.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive.

11.2 If the Councillor and the Chief Executive cannot resolve the dispute, the Councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

12 Return or retention of facilities

12.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

12.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive to purchase any such equipment. The Chief Executive will determine an agreed fair market price or written down value for the item of equipment.

12.3 The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

13 Publication

13.1 This policy will be published on Council's website.

14 Reporting

14.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

14.2 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.

15 Auditing

15.1 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.

16 Breaches

16.1 Suspected breaches of this policy are to be reported to the Chief Executive.

16.2 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.

17. Accountability, Roles & Responsibility

Policy Custodian

The Chief Executive is the custodian for this policy. As the custodian he/she is responsible for managing policy compliance and initiating the policy review process as well as having responsibility for policy implementation.

Jurisdiction

No authority to depart from this policy is granted to any person. All actions and decisions must be in accordance with this policy and this policy can only be varied by Council.

18. Definitions

18.1 **The Act**: The NSW Local Government Act 1993.

18.2 **The Regulation**: The Local Government (General) Regulation 2005.

18.3 **The Guidelines**: The Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, as released by the Division of Local Government in October 2009 under the provisions of section 23A of the Act.

18.4 **Expenses**: Payments made by Council to reimburse councillors for reasonable costs or charges incurred, or to be incurred, for discharging their civic functions. All expense to be reimbursed must be outlined in this Policy and may be either reimbursed to a councillor or paid directly by the Council to a third party. Expenses are separate and additional to annual fees paid to the councillors and Mayor in accordance with the Act.

18.5 **Facilities**: Equipment and services provided by Council to councillors to enable them to discharge their civic functions to a standard and appropriate to their role.

18.6 **Meeting**: Meetings for which councillors expenses will be reimbursed for attending include Ordinary and Extra-ordinary meetings of Council within the meaning of the Act, and Standing Committee meetings to which the Councillor is a delegate by resolution of Council.

18.7 **Council event**: A Council event for the purpose of this policy is one which the attending Councillors were authorised to attend by Council resolution, or where appropriate the authorisation of the Mayor and Chief Executive. These are in addition to Council's ordinary and extra-ordinary meetings, and may include training and development events, civic events, conferences, dinners with visiting delegates and workshops. The purpose of this is to ensure that control exists over the number and type of events for which the Council may become exposed to expense claims and limits them to those which the attendee is a delegate or alternate appointed by Council resolution.

18.8 **Local travel**: Travel within the Tenterfield Shire Council Local Government Area.

18.9 **Limits and standards**: The Policy sets out the monetary limits to be applied to reimbursement of expenses, and the standards for the provision of equipment of facilities as determined by Council in accordance with the Guidelines.

No other specific definitions are deemed required for this policy, with all terms used intended to have their everyday meanings.

19. Related Legislation, Standards & Guidelines

- NSW Local Government Act 1993 (as amended);
- NSW Local Government (General) Regulation 2005;
- Office of Local Government publications:
  - Guidelines for the payment of Councillors Expenses and Facilities 2009; and
  - Circular 11/27
- ICAC publication:
  - No Excuse for Misuse, preventing the misuse of Council resources.

Council must also undertake 28 days' public exhibition of the revised policy and invite submissions on it during that period. (LGA s253).

20. Attachments

Appendix A – Expense Claim Form
Appendix B - Cost/Criteria for Expenses Reimbursements

21. Version Control & Change History

Version	Date	Modified by	Details
V1	23/03/2000	Council	Adoption of Policy – 200/00
V2	15/07/2004	Council	Policy revision – 335/04
V3	17/08/2006	Council	Policy revision – 460/06
V4	25/07/2007	Council	Policy revision – 434/07
V4.1	26/09/2007	Council	Policy revision – 579/07
V5	27/02/2008	Council	Policy revision – 49/08
V5.1	27/02/2008	Council	Policy revision – 128/08
V5.2	23/08/2008	Council	Policy revision – 189/08
V5.3	26/11/2008	Council	Policy revision – 632/08
V6	23/09/2009	Council	Policy revision – 1227/09
V7	24/02/2010	Council	Policy revision – 92/10
V7.1	24/11/2010	Council	Policy revision – 814/10
V8	26/10/2011	Council	Policy revision – 534/11
V9	28/11/2012	Council	Policy revision – 474/12
V10	27/11/2013	Council	Policy revision – 430/13
V11	26/11/2014	Council	Policy revision – 416/14
V11.1	17/12/2014	Council	Policy revision – 459/14
V12	23/09/2015	Council	Policy revision – 303/15
V13	28/09/2016	GM	Reconstruction of Policy – 249/16
V14	22/08/2018	Council	Policy Revision – 187/18
V15	28/08/2019	Council	Policy Revision – 163/19

Appendix A – Expense Claim Form

Available from Executive Assistant & Media

Appendix B – Cost/Criteria for Expenses Reimbursements

Expense or facility	Cost/Criteria	Frequency
General travel expenses.	Assessed and approved by Council prior to travel being undertaken, or by authority of the Chief Executive and Mayor, where appropriate.	Per trip
Approved travel using own vehicle.	Under 2.5 litres – 0.68 cents p/km 2.5 litres and over – 0.78 cents p/km	Per trip
Interstate, overseas and long distance intrastate travel expenses.	Assessed and approved by Council prior to travel being undertaken.	Per trip
Meals.	No greater than $60 per meal, with a daily limit of $125.	Per full day
Accommodation.	Up to $350 in Capital City locations. Up to $200 in other locations.	Per night
Professional development.	Council provided workshops and professional development sessions.	Per year
Conferences and seminars.	Assessed and approved by Council prior to travel being undertaken, or by authority of the Chief Executive and Mayor, where appropriate. Resolution 117/19 – Approves the attendance of the Mayor, Deputy Mayor and Chief Executive at the Local Government NSW Annual Conference each year.	Per event
Carer expenses.	$6.00 per hour to a maximum of $1500.	Per year
Furnished office.	Provided to the Mayor.	Not relevant
Staff support for Mayor and Councillors.	Provided to the Mayor and Councillors.	Not relevant