



## POLICY 1103

# PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

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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* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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
General travel expenses	\$9,000 total for all councillors	Per year
Interstate, overseas and long distance intrastate travel expenses	\$9,000 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	\$9,000 total for all councillors	Per year
Conferences and seminars	\$9,000 total for all councillors	Per year
ICT expenses	Laptop to each Councillor Phone to the Mayor	Term of Council
Carer expenses	\$500 per councillor	Per year
Home office expenses	\$450 per councillor	Per year
Christmas or festive cards	100 for the Mayor	Per year
Access to facilities in a Councillor common room	Provided to all councillors	Not relevant
Council vehicle and fuel card	Provided to the mayor and councillors upon request for council matters	Not relevant
Furnished office	Provided to the mayor	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor. Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

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.

## Part A – Introduction

### 1. Introduction

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- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Oberon 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

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- 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

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- 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**

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- 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
  - fundraising activities of political parties or individuals, including political fundraising events.

## **Part B – Expenses**

### **5. General expenses**

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- 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**

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#### **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 from a pool for all Councillors of \$9,000 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
  - by Cabcharge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre 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.

#### **Use of Council Vehicle**

- 6.5 All reasonable travel costs for Councillors whilst on Council business will be reimbursed or paid by Council and will be in accordance with the following requirements:
- Councillors may request the use of a Council Motor Vehicle, with arrangements where possible to share the use with other Councillors and staff.
  - A minimum of 48 hours notice is required for access to a vehicle for overnight use and 7 days notice for longer periods and reimbursement of travel claims will only be made when a Council Vehicle is not available.

#### **Interstate, overseas and long distance intrastate travel expenses**

- 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 from a pool for all Councillors of \$9,000 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 case to, and obtain the approval of, the general manager 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.
  - 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 by air 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.
- 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 through the general manager's office.
- 6.15 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**

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

#### **Accommodation and meals**

- 6.17 In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for

accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.

- 6.18 Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Oberon Local Government Area.
- 6.19 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.20 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.
- 6.21 Councillors will not be reimbursed for alcoholic beverages.

#### **Refreshments for council related meetings**

- 6.22 Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 6.23 As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

#### **Professional development**

- 6.24 Council will set aside \$9,000 for councillor use annually, to be pooled in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.25 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.
- 6.26 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.
- 6.27 Approval for professional development activities is subject to a prior written request to the general manager outlining the:
  - details of the proposed professional development
  - relevance to council priorities and business
  - relevance to the exercise of the councillor's civic duties.
- 6.28 In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the councillor's remaining budget.

#### **Conferences and seminars**

- 6.29 Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.30 Council will set aside \$9,000 for councillor use annually, to be pooled in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

- 6.31 Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
  - cost of the conference or seminar in relation to the total remaining budget.
- 6.32 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.

#### **Information and communications technology (ICT) expenses**

- 6.33 Council will provide a laptop or similar device for each councillor. These devices shall always remain in the possession of the Councillor during their term of office, and shall remain the property of Oberon Council.
- 6.34 Councillors will be given the option to purchase the allocated device at the depreciated book value at the end of the term of each elected member.
- 6.35 It is acknowledged that Councillors may need to access the laptop, or similar device, when absent on holidays, to maintain communication and receive information. Personal or private use is deemed to be incidental. When travelling overseas approval from the General Manager is required to use the laptop, or similar device, and to make arrangements to avoid excessive charges.

#### **Special requirement and carer expenses**

- 6.36 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.
- 6.37 Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.38 In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.39 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 \$500 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41 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.

#### **Home office expenses**

- 6.42 Each councillor may be reimbursed up to \$450 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

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Councillors are to receive the benefit of insurance coverage affected by Oberon Council for:

- 7.6 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.
- Councillors Liability to a third party in the form of damages, compensation, interest and costs and defence costs arising from an error, misleading statement, conduct, omission, neglect or breach of duty by a Councillor.
- 7.7 Personal accident and personal injury while engaged in or on any Council activity subject to the limitations in Councils insurance policies.
- 7.8 Statutory Liability for fines or penalties arising out of an inadvertent breach of the law by a Councillor when exercising the functions of Council.
- 7.9 Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where a claim is accepted by Council's insurers.

## 8 Legal assistance

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- 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 general manager 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**

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#### **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, pigeon holes and appropriate refreshments (excluding alcohol)
  - personal protective equipment for use during site visits
  - 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 the Executive Coordinator.
- 9.3 The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

#### **Stationery**

- 9.4 Council will provide the following stationery to councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
  - business cards
  - up to 200 ordinary postage stamps managed by the Executive Coordinator.
  - up to 100 Christmas or festive cards per year for the mayor on behalf of Council.
- 9.5 As per Section 4, stamps shall only be used to support a councillor's civic duties. Councillor mail will only be posted using the stamps provided. Any stamps not used will not be carried over to the next year's allocation.

#### **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 as arranged by the general manager.
- 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.

#### **Meals and Refreshments**

- 9.8 Councillors will be provided with a meal and beverage when attending Council and Committee Meetings and other meetings as determined by the General Manager and/or Mayor. Serving of alcohol is at the discretion of the Mayor.
- 9.9 Catering for meals is arranged with local businesses on a rotational basis taking into account particular dietary requirements and preferences by Councillors.

### **10. Additional facilities for the mayor**

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- 10.1. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 10.2. 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 general manager.

- 10.3. The number of exclusive staff provided to support the mayor and councillors will not exceed one full time equivalents.
- 10.4. 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.

#### **Credit Card Facilities**

- 10.5. A Council Credit Card with a financial limit of \$2,000 will be allocated to the Mayor. This Credit Card is for the purpose of payments of approved expenses in accordance with this Policy.

## **Part D – Processes**

### **11. Approval, payment and reimbursement arrangements**

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- 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 general manager or their delegate.

#### **Direct payment**

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the general manager 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**

- 11.6. 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 general manager.

#### **Notification**

- 11.7. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 11.8. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

#### **Reimbursement to council**

- 11.9. 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 30 days of the invoice date.
- 11.10. If the councillor cannot reimburse council within 30 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

### **Timeframe for reimbursement**

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

## **12. Disputes**

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- 12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 12.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

## **13. Return or retention of facilities**

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- 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 or at the cessation of their civic duties.
- 13.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

## **14. Publication**

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

## **15. Reporting**

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- 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**

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- 16.1. 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.

## **17. Breaches**

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- 17.1. Suspected breaches of this policy are to be reported to the general manager.
- 17.2. 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.

## **PART E – Appendices**

### **Appendix I: Related legislation, guidance and policies**

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#### **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:**

- Model Code of Conduct
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## 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 <i>Local Government Act 1993</i> (NSW)
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
General Manager	Means the general manager of Council and includes their delegate or authorised representative
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: <ul style="list-style-type: none"> <li>• meetings of council and committees of the whole</li> <li>• meetings of committees facilitated by council</li> <li>• civic receptions hosted or sponsored by council</li> <li>• meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council</li> </ul>
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

Approving Authority	Oberon Council
Contact	General Manager
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