



PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS

**(SECTIONS 252, 253 & 254 LOCAL
GOVERNMENT ACT 1993)**

Policy 1/2021-2024

DATE

- Corporate Development Committee Meeting - 12.04.94
- Ordinary Meeting - 13.02.96, 27.5.97, 16.12.97
- Corporate Development Committee Meeting - 17.03.98
- Ordinary Meeting - 26.04.00
- Corporate Development Committee Meeting 17.04.01
- Ordinary Meeting - 08.04.03, 27.07.04, 09.11.04, 10.10.06, 14.08.07, 25.09.07, 12.02.08, 19.08.2008, 11.11.08, 14.07.09, 23.11.10, 08.11.11, 12.02.13, 26.11.13, 10.02.15, 8.11.16, 13.03.18, 26.03.19, 10.05.22 and 28.11.23

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<p>PROCEDURES FOR POLICY NO:</p>	<p>1/2021-2024</p>
<p>LEGISLATIVE REQUIREMENTS</p>	<ul style="list-style-type: none"> • Within the first 12 months of each term of a Council, the Council must adopt a <i>policy (regardless if it's the same as the existing policy)</i> concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and Councillors in relation to discharging the functions of civic office. • A Council may from time to time amend a policy however, Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions. • Before adopting or amending the policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment. • Despite the above two points, a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.
<p>RESPONSIBILITY:</p>	<p>GENERAL MANAGER</p>
<p>OBJECTIVE:</p>	<p>The objectives of this Policy are to ensure compliance with the provisions of Section 252 of the Local Government Act 1993, by adopting a Policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to the Mayor, the Deputy Mayor and Councillors in relation to the performance of the functions of civic office.</p> <p>This policy has been developed on a non-discretionary basis and in an equitable manner to enable full participation in Council for all kinds of people in a manner that they are not financially or otherwise disadvantaged in undertaking the duties of a Mayor or Councillor.</p> <p>The payment levels, limits, quality and range of facilities reflect the capacity of the Hills Shire Council to pay and what is acceptable to the Community. It also has been prepared to reflect modern practices and to minimise administrative costs.</p> <p>The purpose of this Policy is to ensure that there is appropriate accountability and transparency in the reimbursement of expenses incurred, or to be incurred, by Councillors. The Policy also ensures that the expenses allowed and the facilities provided to assist the Councillors to carry out their civic duties, are fair and reasonable.</p>

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.

Specific Expense	Reimbursement/Facility/Equipment	Frequency
General travel arrangements and expenses <i>(Clause 6.1 – 6.14)</i>	Each Councillor & the Mayor may be reimbursed for travel expenses incurred while undertaking official Council business, professional development in respect to their role as an elected member or attending approved conferences and seminars within Australia.	When Required
Accommodation, meals and incidentals <i>(Clause 7.1 – 7.4)</i>	Council will pay the costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development. There are two options for the costs of meals and incidentals. Option A Advance Payment- No receipts required. Based on the high-range allowance rounded to the nearest \$ 10 that ATO considers reasonable allowance for meals and incidentals. Full Day \$190 Half Day \$95 If dinner is provided with conference registration, the allowance is reduced by \$75.00 Note: Councillors are to rely on their own enquiries in relation to tax implications when utilising these allowances.	Per conference/ seminar

Specific Expense	Reimbursement/Facility/Equipment	Frequency
	<p>Option B</p> <p>After the event a claim can be made with supporting receipts up to a maximum of \$250.00</p> <p>Full Day – \$250.00 Half Day – \$125.00</p>	
<p>Professional development (Clause 8.1 – 8.4)</p>	<ul style="list-style-type: none"> • \$6,500 per councillor. If not used in a year a Councillor may accumulate to the following year(s) • \$8,500 for the Mayor. If not used the Mayor may accumulate to the following year(s) 	<p>Per Year</p>
<p>Conferences, seminars and Council events (Clause 9.1 – 9.15)</p>	<ul style="list-style-type: none"> • Mayor – max. of six (6) • Deputy Mayor – max. of four (4) • Councillors – max. of two (2) <p>Council will meet the entry cost associated with a Councillor, Councillors partner and or children to attend Council events as part of the Council adopted operational plan unless otherwise approved by Council Resolution or under this policy.</p>	<p>Per year</p>
<p>Information & Communications or technologies (ICT) expenses (Clause 10.1 – 10.6)</p>	<p>Council will provide Councillors with:</p> <ul style="list-style-type: none"> ▪ an Apple, Samsung or brand otherwise supported by Council, smart phone on an unlimited Talk, MMS and Text plan with a data plan of a maximum of 15 Gb of data allowance per month. ▪ an Apple, Samsung or brand otherwise supported by Council, tablet computer (iPad) with a mobile data plan of 15 Gb data allowance per month. ▪ an Apple, Samsung or brand otherwise supported by Council, Laptop computer and a phone/fax line with fixed connection to the Internet in the Councillor’s place of residence. ▪ Accessories for phones, laptops and ipads up to \$1,500(ex GST) ▪ a colour laser printer with wireless printing for PC, tablet and phone. 	<p>Replacement Every two (2) years for mobile phones and four(4) years for other IT equipment.</p> <p>Breakages & loss, Council will cover once per term.</p>

Specific Expense	Reimbursement/Facility/Equipment	Frequency
	<p>Where Councillors choose to provide:</p> <ul style="list-style-type: none"> • their own mobile carrier service and/or mobile data services, they will be entitled to a reimbursement of their costs up to a maximum of the current cost of an equivalent Telstra mobile phone and mobile data service on the current Local Government Procurement contract. ▪ their home (fixed) telephone and Internet service they will be entitled to a reimbursement of their costs up to a maximum of the current cost of an equivalent Telstra domestic phone and unlimited Internet service. ▪ in order to comply with Cyber Security guidelines all devices issued will be enrolled to Council's device management system, enabling the Information Technology Team to provide remote troubleshooting support when necessary. 	Monthly
<p>Special requirement and carer expenses (Clause 11.1 – 11.6)</p>	<ul style="list-style-type: none"> ▪ facilities are accessible ▪ reimbursement of carer's expenses up to a maximum of \$5,000 per annum, payable on production of receipts. 	Per year
<p>Home office expenses (Clause 12.1)</p>	<ul style="list-style-type: none"> • A four (4) drawer cabinet for each term of Council served. 	Per term of Council
<p>Insurances (Clause 13.1 – 13.6)</p>	<ul style="list-style-type: none"> • Council will provide insurance for Professional Liability and Professional Indemnity, • Directors and Officers, • Travel Insurance, • Personal Accident and Motor Vehicle while driving a Council owned vehicle will be provided. 	Per Term of Council
<p>Legal Assistance (Clause 14.1 – 14.5)</p>	<p>Council may, if requested, indemnify or reimburse the reasonable legal expenses in circumstances outlined in this policy.</p>	When Required

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 The Hills 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. The advance payment provided under this policy will be adjusted annually as per guidelines issued by the Australian Taxation Office. The maximum sustenance claimable with receipts will be adjusted annually to reflect the CPI changes for Sydney as of 1 March of each year and will be rounded up to the nearest \$10.00.

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.
 - Minimise administrative costs.

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 and does not require a compensatory payment back to Council.
- 4.3. 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 and can do so by making arrangements with the General Manager or delegate.
- 4.4. 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

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. The legislation does not permit allowances for general expenses in this policy. Accordingly, expenses not explicitly addressed in this policy cannot be paid or reimbursed. All expense claims must be made within 6 months of actual expense.

6. Specific expenses

General travel arrangements and expenses

- 6.1. Each Councillor & the Mayor may be reimbursed for travel expenses incurred while undertaking official Council business, professional development in respect to their role as an elected member or attending approved conferences and seminars within Australia. All claims must be made via Councillor Portal within 6 months of expense being incurred.
- 6.2. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

This includes reimbursement for:

- public transport fares
- the use of a private vehicle or hire car (*standard 6 cylinder*)

- parking costs for Council and other meetings
- tolls
- Cabcharge card or equivalent
- ride-share programs, such as Uber, where tax invoices can be issued.

Reimbursement will be made upon production of appropriate receipts and tax invoices, and the completion of the required online claim forms on the portal.

- 6.3. The Mayor and General Manager can authorise use of a Council vehicle for travel within or outside the Sydney metropolitan area for the purposes of undertaking official Council business, professional development in respect to their role as an elected member or attending approved conferences, seminars and events. The driver must accurately complete vehicle log book details for each journey undertaken.
- 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 unless the vehicle is of a type not covered by the Award and then the ATO rate is to be used (e.g., Electric Vehicles) following completion of the online portal form attaching supporting documentation.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake any overseas travel. Councillors should avoid interstate 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.
- 6.6. Total interstate and long distance intrastate travel expenses for all Councillors will be reimbursed. An allocated amount will be set aside in Council's annual budget.
- 6.7. 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.
- 6.8. The case required by clause 6.7 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.
- NB. This business case is not required for conferences or seminars already identified and approved by Council's Annual Conference Schedule.
- 6.9. Attendance by the Mayor or a Councillor at any Conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of Local Government which are held overseas, must be conducted at the Mayor or Councillor's own personal expense.
- 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. Bookings for approved air travel are to be made through the General Manager's office.
- 6.13. For air travel that is reimbursed as Council business, councillors will not accrue points from the airlines frequent flyer program. This is considered a private benefit.
- 6.14. Upgrades to the class of air travel is allowed but at the Councillor's expense.

Travel expenses not paid by Council

- 6.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts while travelling on Council business either in their own vehicle, rental vehicle or a Council vehicle.

7. Accommodation and meals

- 7.1. Council will pay the costs for accommodation, meals and incidentals while Councillors are undertaking prior approved travel or professional development. Two options are available for meals and incidentals. They are:

Option A

Advance Payment - No receipts required. Based on the high-range allowance rounded to the nearest \$10 that ATO considers a reasonable allowance for meals and incidentals.

- Full Day – \$190
- Half Day – \$95
- If dinner is provided with conference registration, expense is deducted by \$75.00.

This option has been provided to minimise administrative costs.

Option B

- After the event a claim can be made with supporting receipts up to a maximum of \$250.00
- Full Day – \$250.00
- Half Day – \$125.00

Note: If Option B is utilised, receipts for the entire amount of the claim must be provided (ie not just the amount above Option A).

7.2. Accommodation

The payment of accommodation costs are on the following basis:

Accommodation selected by the Council or the General Manager on the basis of cost and convenience of location to the conference venue. A Councillor may choose accommodation at a different location which is at the same cost or less.

The number of accommodation days provided will be limited to:

- Registration Day
- Each day on which official sessions of the conference and seminar are held, as well as the night preceding the conference and seminar where travelling schedules reasonably require such accommodation; and
- Each day on which a Councillor is required to be accommodated en route to and from the seminar or conference.

7.3. Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor, personally unless provided for within this policy.

Refreshments for Council related meetings

7.4. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor Briefings, other approved meetings and engagements and official Council functions as approved by the General Manager in consultation with the Mayor.

7.5. A meal allowance consistent with the Australian Taxation Office (ATO) of currently \$32.50) will be available to Councillors who attend meeting, briefings or other official engagement remotely. Meal expenses up to \$60 would be payable on the production of a receipt.

8. Professional development

Council will set aside \$6,500 per Councillor and \$8,500 for the Mayor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies. Any amount unspent by the Mayor or a Councillor can accumulate to the following year(s) of the Council term.

8.1. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which consider 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.

8.2. 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.

8.3. 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.

8.4. In assessing a Councillor's request for a professional development activity, the General Manager must consider the factors set out in Clause 8.3, as well as the cost of the professional development in relation to the allocated budget.

9. Conferences, seminars and events

9.1. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

- 9.2. Council will set aside an amount annually in its budget to facilitate Councillor attendance at conferences, seminars including registration and the main dinner. This allocation is for all Councillors.
- 9.3. Approval to attend a conference or seminar is subject to a Council report or via written request to the Mayor and General Manager. In assessing a Councillor's request, the Mayor and 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.
- 9.4. Attendance at seminars and Conferences (*with the exception of the LG NSW Conference*) be restricted to allow the Mayor to attend a maximum of six (6), the Deputy Mayor a maximum of four (4) and Councillors a maximum of two (2) each financial year and that prior to the commencement of each financial year, Council determine delegates for various specific and related Local Government Conferences.
- 9.5. Should any Councillor nominated to attend a Conference then not be subsequently able to do so, authority is given to the Mayor to appoint an alternate delegate to attend, in which case, the two (2) Conference restriction not apply.
- 9.6. Should a Councillor who has not exceeded their quota of Conferences express an interest in attending a Conference, authority is given to the Mayor to approve such attendance subject to funds being available in the Conference budget for that same financial year.
- 9.7. 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.
- 9.8. Council will meet the entry cost associated with a Councillor's attendance at Council initiated, organised or approved functions (such as the monthly Western Sydney Business Connection luncheon, Bni Events, Norwest Alliance Events, Building Awards, Summer Series Events, Chamber of Commerce and Business Awards. This also includes Bella Vista Farm and Pioneer Theatre and is only for Councillors and their families.
- 9.9. On behalf of all Councillors, the Mayor and General Manager are authorised to book tables to Award Evenings where Council is a member of the hosting organisation.
- 9.10. Council will meet the costs for the Mayor and Deputy Mayor or their nominees to attend functions within the Shire whereby Council participation is requested and expected.
- 9.11. Where a donation for an auction, raffle or similar is sought or thought appropriate, the Mayor and General Manager have the authority to offer a donation up to the value of a waves adult 6 month pass. e.g. Waves membership or entry.

Spouse/partner expenses

- 9.12. Council will meet the cost of the main conference dinner for spouses, partners and carers for all conferences and seminars which Council either resolves to attend or permission is granted pursuant to this policy.
- 9.13. Council will meet the reasonable costs of a spouse, partner or carer of the Mayor, or a Councillor when they are representing the Mayor, when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the area but within the State.

- 9.14. Council will meet all reasonable accommodation and meal costs of spouses or partners and their children for attending any Council Strategic and Planning Workshop.
- 9.15. Council will meet reasonable costs of spouses and partners or carers for the entry cost associated with a Councillor's attendance at Council initiated, organised or approved functions where it could be reasonably expected that a spouse, partner or carer is expected to attend. Council will also meet reasonable costs of spouses and partners or carers to attend Council organised, supported or sponsored events such as Building Awards, Summer Series events etc. each year that are part of the Council adopted operational plan. Also includes events at Bella Vista Farm and Pioneer Theatre and is only for Councillors and their families.
- 9.16. Reasonable costs would include the cost of a ticket, meal and / or appropriate refreshments with the event and the direct cost of attending the function but would exclude peripheral expenses such as grooming, special clothing and transport.
- 9.17. In the event that a Councillor is unable to attend an event, the General Manager is authorised to offer at short notice, the spare ticket to another Councillor's spouse/partner with first preference to the Mayor then Deputy Mayor then all other Councillors. Spare tickets will be allocated on a first in first served basis.

10. Information and communications technology (ICT) expenses

- 10.1. Council will provide Councillors with an Apple, Samsung or brand otherwise supported by Council, smart phone on an unlimited Talk, MMS and Text plan with a data plan of a maximum of 15 Gb of data allowance per month.
- 10.2. Council will provide Councillors with an Apple (iPad) or Samsung tablet computer or brand otherwise supported by Council, with a mobile data plan of 15 Gb data allowance per month
- 10.3. Council will provide an Apple or Dell Laptop Apple, Samsung or brand otherwise supported by Council, computer
- 10.4. Council will provide a colour laser printer with wireless printing for PC, tablet and phone.
- 10.5. Where Councillors choose to provide their own mobile carrier service and/or mobile data services, they will be entitled to a reimbursement of their costs up to a maximum of the current cost of an equivalent Telstra mobile phone and mobile data service on the current Local Government Procurement contract. Where Councillors provide their home (fixed) telephone and Internet service they will be entitled to a reimbursement of their costs up to a maximum of the current cost of an equivalent Telstra domestic phone and unlimited Internet service.
- 10.6. Council will purchase all equipment for use by Councillors to assist with management of devices.
- 10.7. Council will provide accessories for phones, ipads and laptops to the value of \$1500(ex GST)
- 10.8. in order to comply with Cyber Security guidelines all devices issued will be enrolled to Council's device management system, enabling the Information Technology Team to provide remote troubleshooting support when necessary

11. Special requirement and carer expenses

- 11.1. 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.
- 11.2. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle. (*refer to 6.2*)
- 11.3. In addition to the 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.
- 11.4. 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 \$5,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence. This includes the use of an infant child carer and all reimbursements under this clause are subject to the provision of receipts.
- 11.5. Child care expenses that may be claimed for children up to and including the age of 16 years where the carer is not a relative. (*Copies of appropriate receipts and/or tax invoices must be provided*)
- 11.6. 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.

12. Home office

- 12.1. Each Councillor may be provided with a four (4) drawer cabinet for each term of Council served.

13. Insurances

- 13.1. In accordance with Section 382 of the Act, Council is insured against public liability and professional indemnity claims.
- 13.2. Directors and Officers insurance is available 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
- 13.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 13.4. Travel insurances will be provided for any Councillors travelling on approved Council business in Australia.
- 13.5. Personal Accident insurance will be provided whilst Councillors are engaged in activities directly connected with or on behalf of the Council.
- 13.6. Motor Vehicle Insurance whilst driving a Council owned vehicle.

14. Legal assistance

- 14.1. 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.
- 14.2. 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.
- 14.3. 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.
- 14.4. 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.
- 14.5. Reimbursement of expenses for reasonable legal expenses under this policy must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C – Facilities

Table below summarises the General equipment and facilities for all Councillors with indexation to the detail explanation of the items which are listed below the table.

Facility	Reimbursement/Facility/Equipment	Frequency
Access to facilities in a Councillor common room <i>(Clause 15.1)</i>	Appropriately furnished with office equipment.	For the term of Council
Councillors pool vehicle	Use of vehicle to all Councillors for travel authorised by this policy for purposes related to civic office	As required
Reserved/allocated parking space at Council offices <i>(Clause 15.1)</i>	<ul style="list-style-type: none"> • Specific spaces provided to the Mayor & Deputy Mayor in B1 carpark • Councillor spaces in B1 carpark 	For the term of Council
Protective Clothing <i>(Clause 15.1)</i>	personal protective equipment for use during site visits	As Required
Briefcase <i>(Clause 15.1)</i>	\$250.00 per councillor	Per term of Council
Name Badge <i>(Clause 15.1)</i>	All Councillors & their partners	Per term of Council
Photos <i>(Clause 15.3)</i>	Provision and ownership of Photos in both hard copy and digital format of Councillors taken during the purpose of their civic duties.	As required
Memorabilia <i>(Clause 15.4)</i>	Example – pens, caps, pins	As approved by the Mayor
Stationery <i>(Clause 16.1)</i>	A4 paper Printer Toner pens etc	A4 paper 5 reams per year 2 Toners 2 of each colour per year Or as approved by the Mayor and General Manager on an as needs basis
Councillor Letterhead <i>(Clause 16.1)</i>	Amounts provided upon request	As required
Business Cards <i>(Clause 16.1)</i>	An initial allocation of 250 cards, then appropriate replacements	As required

Facility	Reimbursement/Facility/Equipment	Frequency
Corporate Christmas cards and postage (Clause 16.1)	Design chosen by the Mayor, 200 per councillor and 500 for the Mayor. If a Councillor chooses to source their own cards, Council will reimburse up to \$300 per annum per councillor excluding postage upon submission of receipts. This limit will be reviewed each Council term.	Per year
Executive Assistant and Secretarial support (Clause 17.1-17.2)	One (1) exclusive staff supporting Mayor and Councillors.	For the term of Council
Additional Facilities for Mayor and Deputy Mayor		
Council vehicle, fuel card & qualified driver (when required) (Clause 18.1-18.2)	Provided to the Mayor	For the Term of Council
Reserved/allocated parking space at Council offices (Clause 18.3 & 18.10)	<ul style="list-style-type: none"> Specific spaces provided to the Mayor & Deputy Mayor in B1 carpark 	For the Term of Council
Mayoral Chain (Procedure 18.5)	The provision of the Mayoral Chain to carry out civic duties.	For the Term of Council
Furnished office (Clause 18.6 & 18.11)	Provided to the Mayor & Deputy Mayor	For the Term of Council
Executive Assistant and Secretarial support (Clause 18.7)	One (1) exclusive staff supporting Mayor and Councillors.	For the Term of Council

15. General equipment and facilities for all Councillors

Facilities

15.1. Council will provide the following equipment and 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. Approval must be sought by the Mayor should a Councillors' spouse and/or guest wish to visit the Councillors common room. The room is for Councillors and visitor access must be approved by the Mayor prior to the access being made.
 - access to allocated car parking spaces while attending Council offices on official business
 - personal protective equipment for use during site visits
 - a name badge for each Councillor & their partners which may be worn at official functions
 - an access card which enables entry to the public areas of the Council building, Councillors room and car park
 - A briefcase/carry case to the value of \$250.00 per Council term
 - A jacket/blazer to the value of \$500
- 15.2. Councillors may book meeting rooms via the Mayor's Executive Assistant for official business in a specified Council building at no cost.
- 15.3. The provision and ownership of photos in both hard copy and digital format of Councillors taken during the purpose of their civic duties.
- 15.4. The provision of memorabilia and other token gifts (*pens, caps, pins etc*) to Councillors, for the purpose of distribution to the community, is at the discretion of the Mayor. Councillors must request in writing to the Mayor's PA the gifts required and the purpose of the gift.
- 15.5. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

16. Stationery

- 16.1. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - an initial allocation of 250 business cards and thereafter appropriate replacements for use in connection with Councillor's civic duties
 - up to 200 Christmas or festive cards per year for Councillors and 500 for the Mayor. If a Councillor chooses to source their own cards, Council will reimburse up to \$300 per annum excluding postage upon submission of receipts. This limit will be reviewed each Council term.

17. Administrative support

- 17.1. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support will be provided by the Mayor's Executive Assistant or by a member of Council's Executive or governance team as arranged by the General Manager or their delegate.
- 17.2. 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.

18. Additional facilities for the Mayor & Deputy Mayor

Mayor

- 18.1 Council will provide the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for all official and personal use.
- 18.2 Council will provide access to the services of a qualified driver, as required, for official duties.
- 18.3 A parking space at Council's offices will be reserved for the Mayor.
- 18.4 The payment of all Council provided mobile telephone call charges.
- 18.5 The provision of the Mayoral Chain to carry out civic duties.
- 18.6 Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone, refreshments cabinet and meeting space.
- 18.7 In performing his or her civic duties, the Mayor will be assisted by an Executive Assistant not exceeding one full time equivalent (FTE) to provide administrative and secretarial support, as determined by and responsible to, the General Manager.
- 18.8 As per Section 4, staff in the Mayor's office are expected to work on official business only, and not matters of personal or political interest, including campaigning.

Deputy Mayor

- 18.9 Council will provide the Deputy Mayor an allocated parking space at the Council's Offices.
- 18.10 Council will provide the Deputy Mayor with a suitably furnished office in the Councillors room area.

Part D – Processes

19. Approval, payment and reimbursement arrangements

- 19.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 19.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 19.3 Approval for the following may be sought after the expense is incurred:
 - travel relating to the conduct of official business
 - carer costs
 - Meal allowance for Council approved meetings
- 19.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 19.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager or their delegate 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

- 19.6 All claims for reimbursement of expenses incurred must be made on the prescribed form on the councillor portal, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager or their delegate.

If a Councillor incurs expenses higher than the advance payment option as per 7.1, If a Councillor they can claim reimbursement after the event up to the maximum amount of \$250.00 per day or \$125.00 for half day, they must include appropriate receipts and/or tax invoices for all expenditure.

A full reconciliation of all expenses including appropriate receipts and/or tax invoices is required for all expenditure once it exceeds the \$190 threshold.

Advance payment

- 19.7 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development as per 7.1.
- 19.8 Requests for a cash advance payment must be made via the Portal submitted to the General Manager for assessment against this policy in writing, with sufficient information and time to allow for the claim to be assessed and processed.

Notification

- 19.9 If a claim is approved, Council will make payment directly for advance payments or reimburse the Councillor within the next Councillor monthly allowance.
- 19.10 If a claim is refused, the Councillor will be informed in writing that the claim has been refused and the reason (s) for the refusal.

Reimbursement to Council

- 19.11 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 the expense within 14 days of the invoice date.
- 19.12 If a Councillor cannot reimburse Council within 14 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

- 19.13 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within the same financial year of an expense being incurred.

20. Disputes

- 20.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.

- 20.2 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.

21. Return or retention of facilities

- 21.1 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.
- 21.2 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. Should the equipment be over two (2) years old, the Councillor is permitted to retain the equipment at no cost to the Councillor.

22. Publication

- 22.1 This Procedure will be published on Council's website.

23. Reporting

- 23.1 Council will report on the provision of expenses and facilities to Councillors and their spouses/partners in the Annual Report as required in the Act and Regulations.

24. Auditing

- 24.1 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.

25. Breaches

- 25.1 Suspected breaches of this policy are to be reported to the General Manager.
- 25.2 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.

26. Recognition of Service

- 26.1 Upon ceasing to hold civic office Council will recognise Councillors' service with a certificate of service as follows:
- If the Councillor elects not to seek re-election at a general Council election, the presentation of the certificate will be made during the course of the last Council meeting prior to the local government elections.
 - If the Councillor elects to seek re-election, however is not returned to civic office, then the presentation will occur during the course of a dinner held prior to a Council meeting. The presentation will take place no longer than two months after the new Council has been formed following the election that saw the former Councillor not return to civic office.

- 26.2 The presentation of a gift will remain at the discretion of the Mayor of the day.
- Upon 12 years (3 terms) service - presentation of long service certificate
 - Upon 20 years (5 terms) service - presentation of plaque at a Council dinner
 - Upon 25 years – presentation of a gift at the discretion of Mayor and General Manager at a dinner prior to a Council Meeting.
 - Upon ceasing to hold office after a period of 25 years – Civic dinner in recognition of service.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252, 253 and 254
- 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 and 17-17 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- Office of Local Government Guidelines for payment of expenses and provision of facilities for Mayors and Councillors in NSW
- Office of Local Government Guidelines for Model Code of Conduct for Local Council's in NSW
- ICAC – No Excuses for Misuse

Related Council policies:

- 2/2021-2024 - Code of Conduct

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, provided by Council to support Councillors undertaking official business at the discretion of the General Manager and Mayor having regard to the occasion.
Act	Means the <i>Local Government Act 1993</i> (NSW)
Carer	People who look after someone who needs help with their day-to-day living.
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 & Deputy 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
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"> • 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 <i>Local Government (General) Regulation 2005</i> (NSW)
Relative	<ul style="list-style-type: none"> • as defined by the <i>Local Government Act 1993</i>
year	Means the financial year, that is the 12 month period commencing on 1 July each year