



Bayside Council

Serving Our Community

Councillor Expenses & Facilities Policy

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Councillor Expenses & Facilities Policy

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Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties. It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (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, unless approved by the General Manager due to extenuating circumstances.

The main expenses are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Clause	Maximum amount	Frequency
South Eastern City Planning Panel	1.6	\$600 per meeting \$100 per hour (max \$600) per briefing	Per meeting / Briefing For appointed representatives only
General local travel expenses	6.1	\$500 per councillor \$500 for the Mayor	Per year Per year Total for ride-share, public transport, private car, hire car, etc
Interstate, long distance intrastate travel expenses	6.5	\$25,000 total amount – inclusive for all 15 councillors	Per year (total amount inclusive for all 15 councillors NOT per individual councillor) Case-by-case approval by GM
Overseas travel	6.5	Nil	All private
Accommodation and meals Items not provided with conference, seminar, function;	6.18	Per councillor: <ul style="list-style-type: none"> • Breakfast \$30 per councillor • Dinner \$80 per councillor • Lunch \$40 per councillor • Accommodation (capital cities) up to \$350 per night • Accommodation (country centres) \$275 	Per meal / night as applicable Items <u>not</u> associated with conference, seminar, function; Maximum amount specified per meal OR maximum provided by Crown Employees (Public Service Conditions of Employment) Reviewed Award for meal / accommodation if amount greater than amount stated in policy.
Professional development	6.24	\$75,000 total for all councillors, based on \$5,000 per councillor (includes allowable annual professional memberships)	Per year based on \$5,000 per councillor x 15 councillors. Notwithstanding the

Expense or facility	Clause	Maximum amount	Frequency
			accommodation limits, accommodation at the conference venue or a partnering venue will be booked if available.
Conferences and seminars	6.29	\$75,000 total for all councillors	Per year based on \$5,000 per councillor x 15 councillors Notwithstanding the accommodation limits, accommodation at the conference venue or a partnering venue will be booked if available.
Laptop with SIM data (with internet)	6.33	\$4,000 per councillor	Per term
Mobile phone expenses Preferred own phone provided by councillors and that councillors choose their own phone and plan package under or to the maximum limit specified.	6.33	\$115 per councillor	Per month
Carer expenses	6.36	\$150 per accredited carer	Per day
Home office expenses \$100 pa general office expenses (e.g. toner) Provided: - protective equipment - name badge	6.42	\$100 per councillor	Per year
Non-Council functions attendance	6.43	\$300 per councillor	Per function/event
Superannuation	9.0	As per Commonwealth Superannuation Guarantee (Administration) Act 1992	Per month
Access to Facilities in Councillors' room and meeting rooms	10.1	Provided to all councillors	Not relevant
Christmas or Festive cards/Electronic Festive Cards	10.4	Up to 200 cards per councillor and 500 cards Mayor	Per year Per year
Letterheads, Electronic Letterhead, business cards, stationery etc.	10.4	Provided to all councillors on request Maximum business cards 2000 per Councillor	Per Council term
Council Mayoral vehicle and fuel card and e-tag	11.1	Below Luxury Tax Threshold. Provided to Mayor	Per Term of Mayor
Furnished Mayoral Office	11.5	Provided to Mayor	Per Term of Mayor

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.

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
LGNSW	Local Government New South Wales
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"> • 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)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

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 Bayside 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 define 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.
- 1.6 Councillors appointed as council representatives to the Sydney Eastern City Planning Panel are paid an attendance fee for formal meetings, and a fee per hour, with a minimum of 1 hour up to a maximum of the amount for Panel briefings – as specified in the Policy Summary. Such briefing fees include travel and briefings on multiple applications on the one occasion.

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, under-represented 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 Incidental 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 make a reasonable estimate as to their private and civic use and reimburse the council for the private use.
- 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.
- 4.6 No travel, accommodation or other benefit is to be sponsored by private enterprise.

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 unless approved by the General Manager due to extenuating circumstances.

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 The Mayor and each councillor may be reimbursed up to a total per year, as specified in the Policy Summary, for travel expenses incurred while undertaking official business or professional development or attending approved conferences, seminars and functions within NSW. This includes reimbursement:
- for public transport fares
 - for the use of a private vehicle
 - for the use of a hire car (with prior approval of the General Manager or nominee)
 - for parking costs for Council and other meetings
 - for tolls
 - for ride-share and the like
 - for documented ride-share programs.
- 6.3 Allowances for the use of a private vehicle will be reimbursed at the kilometre rate specified in the Government (State) Award.
- 6.4 The Mayor and/or Councillors seeking to be reimbursed for use of a private vehicle for Council Business must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5 All overseas travel by a councillor is at the expense of the individual councillor.
- 6.6 Deleted.
- 6.7 Interstate and long distance intrastate travel expenses for all councillors are approved on a case-by-case basis as detailed in the following clauses.
- 6.8 Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of the Council by resolution, or by 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.
- 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, if available.
- 6.13 For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14 Bookings for approved air travel are to be made 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. Such programs are 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 Deleted.
- 6.18 Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside metropolitan Sydney, in accordance with the maximum rates specified in the Policy Summary. The accommodation and/or meals for conferences, seminars and functions (if any) are included in the expense provisions for each of these items.
- 6.19 Deleted.
- 6.20 Deleted.
- 6.21 Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.22 Appropriate non-alcoholic 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 or nominee.
- 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 the amount specified in the Policy Summary annually 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 or nominee 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 or nominee 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 sets aside the amount included in the Policy Summary annually in its budget to facilitate councillor or seminar attendance at conferences and seminars. This allocation is for all councillors.
- 6.31 Approval to attend a conference or seminar is normally subject to a resolution of Council. When there is no convenient council meeting, the General Manager may approve a written conference / seminar request from a councillor. In assessing a councillor's 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, parking and accommodation (including the night before and the night of the final day of the conference or seminar) associated with attendance at approved conferences outside the Sydney metropolitan area. 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.
 - Bookings for approved conferences and seminars are to be made through the Manager Mayoral & Councillor Support office.
 - Refer to clause 12.15 and 12.16 for non-attendance at a booked conference or seminar.

Information and Communications Technology (ICT) expenses

- 6.33 Council will provide the following ICT devices and software / applications for each councillor:
- One Laptop with SIM data.
 - One screen protector and cover for the above.
 - Council will replace the Laptop if accidentally broken, but not for the purposes of upgrading the model.
 - Council will reimburse the cost of a phone / data plan for a private smart mobile phone for each councillor, up to a monthly limit specified in the Policy Summary.
- 6.34 Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:
- receiving and reading council business papers

- relevant phone calls and correspondence
 - diary and appointment management.
- 6.35 Council will provide relevant software, applications and the like for private mobile phones. Councillors may seek reimbursement for additional applications on their mobile phone if it can be shown that they are directly related to their duties as a councillor, within the monthly limit.
Council only supports Council provided software and applications.

Special requirements 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 an accredited carer's expenses up to a maximum per occasion, as specified in the Policy Summary, for attendance at meetings and other civic duties, plus reasonable travel from the principal place of residence.
- The period of care to be reimbursed may commence up to one (1) hour before the occasion and conclude one (1) hour after the civic duty.
 - Monetary and time limits do not apply to caring expenses, as described above, at the LGNSW Annual Conference.
- 6.40 Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is an accredited/registered carer.
- 6.41 In the event of caring for an adult person, councillors will need to provide suitable evidence to the General Manager or nominee that reimbursement is applicable. Such evidence may take the form of advice from a medical practitioner.

Home office expenses

- 6.42 Each councillor may be reimbursed up to an amount as specified in the Policy Summary per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

Non-Council Functions

- 6.43 Council will meet the cost of councillors attending non-Council functions, up to a maximum per event as specified in the Policy Summary, when representing the mayor or Council, on the basis that the function provides feedback from key members / organisations of the community, members of parliament and business.

Accompanying persons

- 6.44 Council will meet the reasonable costs of spouses, partners and accompanying persons when they accompany a councillor in the following circumstances:
- Attendance at formal and ceremonial events within the local government area. Such events include, but are not limited to: Australia Day Award ceremonies, citizenship ceremonies, civic receptions and functions for charities formally supported by the Council.
 - Attendance at the LGNSW Annual Conference with costs limited to conference registration and the official conference dinner. Council will not meet any costs relating to additional accommodation and other costs as a result of the attendance of an accompanying person.
 - Attendance by the Mayor, or a councillor representing the Mayor, at an official Council function or official ceremonial duty outside the local government area but within the state. Interstate and overseas events are expressly excluded.
- 6.45 The above reasonable costs are limited to the ticket, meal and/or direct costs of attending the function – they specifically exclude grooming, special clothing and transport costs, as well as the costs of accompanying persons' attendance at other conferences and seminars. The costs are reimbursed at the same rate as the accompanied councillor.

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 travel and long distance intrastate 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 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.
- 8.6 The process for claiming legal expenses is outlined in Appendix A.

9 Superannuation contributions for Councillors

- 9.1 In accordance with Section 254B of the Local Government Act and the Council resolution of 27 April 2022 (Minute No. 2022/121), Council will make a payment (a superannuation contribution payment) as per the amount Council would be required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act* 1992 as a contribution to a superannuation account nominated by a Councillor, starting from the financial year **commencing 1 July 2022**.
- 9.2 A council is not permitted to make a superannuation contribution payment:
- if the Councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - to the extent the Councillor has agreed in writing to forgo or reduce the payment.
- 9.3 The amount of the contribution payment will be the amount the council would have been required to contribute under the Commonwealth

superannuation legislation as superannuation if the Councillor were an employee of the council.

A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment and that a superannuation contribution payment does not constitute salary for the purposes of any Act.

Part C – Facilities

10 General facilities for all councillors

Facilities

- 10.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- a councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol)
 - access to shared car parking while attending council offices on official business
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating office of the wearer.
- 10.2 Councillors may book meeting rooms for official business in specified council buildings at no cost. Rooms may be booked through the General Manager's office.
- 10.3 The provision of facilities will be of a standard deemed by the General Manager or nominee as appropriate for the purpose.

Stationery

- 10.4 Council will provide the following stationery to councillors each year refer to table in Policy Summary (page 4) for maximum amount and frequency):
- electronic letterhead, to be used only for correspondence associated with civic duties
 - business cards
 - Christmas or Festive cards
 - end-of-year electronic festive card for councillors.
- 10.5 As per Section 4, stationery may only be used for council business.

Administrative support

- 10.6 Council will provide limited administrative support to councillors to assist them with their civic duties only.
- 10.7 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.

Information communications and technology (ICT) devices

10.8 Refer to clauses 6.33 - 6.35.

Recognition of service

10.9 In recognition of long service as councillor and/or mayor, councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. Refer to Council's *Councillors' Recognition of Service Policy* for details.

10.10 A Recognition of Service plaque will be provided to each councillor when they cease to hold office.

Allowance (salary) sacrifice

10.11 Councillors may forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf¹.

10.12 No other allowance (salary) sacrifice benefits are available to Councillors.

11 Additional facilities for the Mayor

11.1 Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card. The vehicle is to be valued below the Luxury Car Tax threshold, and available.

11.2 Deleted.

11.3 Deleted.

11.4 A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.

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

11.6 In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

11.7 Deleted.

11.8 As per Section 4, council staff assisting the mayor are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

¹ Australian Taxation Office Interpretive Decision 2007/205

Part D – Processes

12 Approval, payment and reimbursement arrangements

Approval

- 12.1 Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 12.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 12.3 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.
- 12.4 Final approval for payments made under this policy will be granted by the General Manager or nominee.

Direct payment

- 12.5 Council may approve and directly pay expenses rather than by reimbursement. Requests for direct payment must be submitted to the General Manager's office 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

- 12.6 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's office.

Advance payment

- 12.7 Deleted.
- 12.8 Deleted.
- 12.9 Deleted.

Notification

- 12.10 If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 12.11 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

- 12.12 If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - council will invoice the councillor for the expense

- the councillor will reimburse council for that expense within 14 days of the invoice date.
- 12.13 If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager or nominee. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

- 12.14 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.

Non-attendance

- 12.15 Where costs are paid by Council for a councillor to attend an approved conference, seminar, or function, and the councillor does not attend and has not provided opportunity for Council to seek a refund of the costs incurred or substitute another Councillor to attend; the councillor shall be personally liable to repay all amounts incurred (and not refunded) to Council. In this case, the costs incurred (net of any refund) by the Council will be charged to that Mayor/Councillor.
- 12.16 Where the councillor believes there are extenuating circumstances (such as family or medical emergency) for non-attendance they may apply to the General Manager to have such repayment waived.

13 Disputes

- 13.1 If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager or nominee.
- 13.2 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.
- If the matter is determined by Council, the resolution is final and binding.

14 Return or retention of facilities

- 14.1 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.
- 14.2 Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the General Manager or nominee to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- The prices for all equipment purchased by councillors under Clause 14.2 will be recorded in Council's annual report.
- 14.3 Where a Councillor opts to purchase the device at the end of their term, Council will calculate a buy-back market value based on device age and condition. Because devices are configured to protect sensitive information, where a device is being purchased, these will be returned to the Council's Information Technology team for security configuration removal. This

process includes resetting the device to a factory state where all data and pre-installed applications are removed.

15 Publication

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

16 Reporting

- 16.1 Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations. Currently this is through its Annual Report reporting requirements.

- 16.2 Annually, a detailed report on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting and published in full on council's website. The report will include expenditure summarised by individual councillor and as a total for all councillors.

Refer also to section 14 'Return or retention of facilities' regarding reporting.

17 Auditing

- 17.1 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.

18 Breaches

- 18.1 Suspected breaches of this policy are to be reported to the General Manager.
- 18.2 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 of Conduct Procedures.

Part E – Other matters

19 Policy implementation

Policy responsibilities

- General Manager has overall responsibility for the policy.
- Manager Mayoral & Councillor Support has responsibility for the development and maintenance of the policy
- Manager Mayoral & Councillor Support is responsible for the policy's implementation

Procedures

The Manager Mayoral & Councillor Support may approve procedures and forms that support this policy.

20 Document Control

Review

This policy is to be reviewed at least within the first twelve months of each term of Council. The Manager Mayoral & Councillor Support may authorise editorial amendments which do not change any policy substance.

Relevant legislation and guidance

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2021
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies

- Code of Conduct
- Councillor Professional Development Policy
- Councillor Recognition of Service Policy
- Electronic Communications Policy
- Council Official Relationships & Access Policy

Version history

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Coordinator Governance	New document
2.0	12/07/2017	Coordinator Governance	Review of document
2.1	30/08/2017	Coordinator Governance	Minor edits
3.0	10/10/2018	Coordinator Governance	Review of document
4.0	14/07/2021	Coordinator Governance	New OLG Model
5.0	23/11/2022	Coordinator Governance	Review of Document First term of Council
6.0	24/07/2024 (Council) 03/07/2024 (CP Com)	Manager Mayoral & Councillor Support	Review of document

Appendix 1 – Legal Costs Reimbursement Claims

1. To whom do you make the application for reimbursement?

The application for reimbursement of legal expenses should be made in writing to the General Manager. The General Manager may ask for additional information and shall put such application before the Council in accordance with the Policy.

2. When can you make an application for reimbursement?

An application for reimbursement of legal expenses can be made having regard to rights and obligations in the Policy.

3. Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing

If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (**ICAC**), you must have:

- 3.1. **Prior to or during your appearance as a witness at the hearing**, applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*; and
- 3.2. Have been refused such financial assistance in part or full.

Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.

4. What other eligibility requirements need to be addressed in your application?

The application should address the following criteria where relevant:

- 4.1 specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.2 specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from or in a previous term of Council);
- 4.3 state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

Note: Where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to whom the subject is, you should state this.

- 4.4 provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.5 detail the legal expenses (including hourly rate charged) in part or in full incurred in connection with attending the interview/s or hearing/s (public or private);
- 4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which

- prevents disclosure of this information – see paragraph 6);
- 4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of civic functions as the mayor or as a councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
 - 4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
 - 4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and
 - 4.10 provide evidence that the investigative body or Court has:
 - 4.10.1 confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report; and
 - 4.10.2 confirmed in writing that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you.

5. What documents need to be included with your application?

Where appropriate the following information should be provided:

- 5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body or Court, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*, and a copy of the Attorney General's response;
- 5.3 Copies of any itemised invoices issued to you for legal expenses (fees charged for legal representation or legal advice including the hourly rate charged) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;
- 5.4 Confirmation in writing from the investigative body or Court that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report or the decision of the Court;
- 5.5 Where not included in the Report, or where a Report is not provided, written confirmation that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you;
- 5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

- 6.1 Where you have been ordered by the investigative body or Court, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.

- 6.2 Once any suppression order or other order has been lifted by the investigative body or Court, you should immediately provide the General Manager with the information previously omitted from your application on this basis.
- 6.3 The General Manager may not be able to consider your application where a suppression order or other order restricting disclosure of information applies until the suppression order or other order is lifted and information previously omitted is available where the information is required to approve the reimbursement.

7. Will Council need to pass a resolution regarding my application?

- 7.1 Yes, a Councillor must seek and obtain approval from Council for indemnity and reimbursement of any legal cost covered by this policy prior to legal expenses being incurred.
 - 7.2 Any resolution by Council to provide indemnity and reimbursement needs to be consistent with this Policy.
 - 7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.
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