



Attachment 1 to Item 142

**Draft Payment of Expenses and
Provision of Facilities to
Councillors**

Date of meeting: 09 August 2022
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Time: 6:30 p.m.



Payment of Expenses and Provision of Facilities to Councillors 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 typically 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.

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.

Section 217 of the Regulation and the NSW Division of Local Government's Integrated Planning and Reporting Guidelines, stipulate inclusions in Council's Annual Report, including:

- the cost of Councillor office equipment
- the cost of Councillors attending conferences and seminars
- the expenses for any spouse/partner accompanying a Councillor in the performance of their civic duties
- the total annual allowances paid to Councillors and the Mayor.

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 Hawkesbury City Council.
- 1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3 The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5 Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees Council may pay each Councillor are set by the Local Government Remuneration Tribunal in accordance with Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.



2. Policy objectives

2.1 The objectives of this policy are to:

- Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- Ensure facilities and expenses provided to Councillors meet community expectations
- Support a diversity of representation
- Fulfil Council's statutory responsibilities.

3. Principles

3.1 Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all Councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

4.2 Incidental private use of Council equipment and facilities by Councillors may occur from time to time.

4.3 Such incidental private use does not require a compensatory payment back to Council.

4.4 Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

4.5 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of Council resources and equipment for campaigning
- use of official Council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.



5. Approval arrangements

- 5.1 Approval for discretionary trips and attendance at conferences and the like under this policy should, where possible, be approved by a full meeting of the Council. If this is not possible, then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of Council meetings, it should be given jointly by the Deputy Mayor and the General Manager.
- 5.2 Total costs for the payment of expenses and the provision of facilities to Councillors are to be within the limits of the provision of Council's annual budget, with expenditure against budget allocation to be reviewed quarterly, in accordance with Council's standard quarterly budget review process.

Part B – Expenses

6. General expenses

- 6.1 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.
- 6.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 6.3 Pursuant to Section 252(3) of the Local Government Act, the General Manager has authority to approve payments and advances, made in accordance with this policy. All claims for expenses shall be submitted on an approved form for approval by the General Manager or their delegate. The reimbursement of expenses is to be claimed within three months of them being incurred.

7. Specific expenses

General travel arrangements and expenses

- 7.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 7.2 Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 7.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 7.4 Incidental expenses such as telephone calls, refreshments and meals, not provided as part of conference participation, and internet charges, laundry and dry cleaning, newspapers, taxi fares, parking, etc., will be reimbursed upon presentation of documentary evidence and completion of a claim form. Amounts to be reimbursed shall be limited to \$75 per day.



Interstate, overseas and long distance intrastate travel expenses

- 7.5 Council's policy for Interstate and Overseas Travel is outlined in Attachment A. Notwithstanding the policy, Council is to meet all direct expenses in association with attendance by members including registration fees, transport and accommodation. The appropriate reimbursement will be paid for travelling expenses. Travel arrangements are to be made through the General Manager's office.

Travel expenses not paid by Council

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

Accommodation, meals and incidental expenses

- 7.7 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development.
- 7.8 Incidental expenses such as telephone calls, refreshments and meals, not provided as part of conference or professional development participation, and internet charges, laundry and dry cleaning, newspapers, taxi fares, parking, etc., will be reimbursed upon presentation of documentary evidence and completion of a claim form. Amounts to be reimbursed shall be limited to \$75 per day.
- 7.9 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager.
- 7.10 Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 7.11 Appropriate meals and 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.

Professional development

- 7.12 Council will set aside \$2000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 7.13 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. The cost of the induction program will be in addition to the ongoing professional development funding.
- 7.14 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.
- 7.15 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.
- 7.16 In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 7.15, as well as the cost of the professional development in relation to the Councillor's remaining budget.



Conferences and seminars

- 7.17 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 7.18 Council will set aside a total amount annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 7.19 Council may authorise the attendance of Councillors at conferences or seminars, with expenses associated with such attendance being met in accordance with this policy. The General Manager may authorise attendance at relatively minor seminars or short courses conducted by organisations, such as Local Government NSW, Local Government Professionals and other similar bodies covering industry related issues.
- 7.20 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 7.7-7.10.

Spouse/Partner expenses

- 7.21 No objection is raised to attendees at conferences being accompanied by their spouse/partner, subject to Council not being required to meet any costs in addition to those to be expended in association with a Councillor's participation.
- 7.22 Where the Mayor is required to attend a function on behalf of Council, and the nature of the function is such that the Mayor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses i.e., ticket, meal and/or the direct cost of attending the function.
- 7.23 Where the Mayor has requested a Councillor to attend a function (on behalf of Council) in their stead, and the nature of the function is such that the Councillor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, i.e., ticket, meal and/or the direct cost of attending the function.
- 7.24 When Councillors are attending an official function of the Council in the performance of their Councillor role, and it would normally be expected that the Councillor would be accompanied by their spouse/partner or an accompanying person, the Council will meet the cost of the attendance of the Councillor's spouse/partner or accompanying person at the function. Examples of such functions could include, but not be limited to, Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions, charitable functions for charities formally supported by the Council, etc.

Information and communications technology (ICT) expenses

In the following clauses a reference to a Councillor or Councillors includes the Mayor and Deputy Mayor except where the Mayor and Deputy Mayor are referred to separately.

- 7.25 Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services up to a limit of the maximum cost of providing the equipment in Clause 7.26 during the term for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data home internet costs and reasonable ancillary accessories directly related to the devices and services.



- 7.26 Council will provide Councillors with the following items, which subject to this policy remain the property of Council, and, where applicable, must be returned to Council upon the Councillor ceasing to hold that office:
- An Apple or Android smart phone and associated data plan linked to Council's shared data plan
 - Laptop computer
 - Apple iPad tablet or equivalent
 - Wireless Modem Router for connection to the internet at the Councillor's place of residence
 - Laser printer with wireless printing for PC, tablet and phone, and associated consumables.
- 7.27 In the alternative to being provided with any or all of the equipment referred to in Clause 7.26, Councillors may choose to provide any or all of that equipment themselves.
- 7.28 Where Councillors choose to provide their own equipment, they will be entitled to a reimbursement of their costs up to a maximum value of the equivalent equipment provided to Councillors under this policy.
- 7.29 Where Councillors choose to provide their own equipment they will be responsible for the cost of associated consumables such as printer cartridges, and for technical support and repairs.
- 7.30 Where Councillors choose not to be provided with a Wireless Modem Router for home internet connection, they may choose to be reimbursed for home internet usage costs to a maximum of the cost of data associated with the Wireless Modem Router.
- 7.31 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.
- 7.32 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.
- 7.33 Council will pay all Council related call and data charges, applicable to a Councillor, to a maximum of the cost to Council of mobile phone and data under Council's Mobile phone contract (currently \$15 per month for mobile phones and \$25 per month for data).
- 7.34 No unauthorised or unlicensed software is to be installed on the electronic devices provided by Council, and Councillors are required to comply with the following Corporate Policies applicable to staff in respect of the usage of Council's IT equipment:
- Use of Council's Information Technology Facilities
 - Mobile Device Usage.

Use of data managed as part of Council's shared data plan will be monitored and Councillors may be contacted about excess data usage.

Special requirement and carer expenses

- 7.35 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
- 7.36 Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.



- 7.37 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.
- 7.38 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of reasonable carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.
- 7.39 Reasonable child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 7.40 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

8. Insurances

- 8.1 In accordance with Section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 8.2 Councillors are also insured against personal injury, whether fatal or not, and loss or damage to Council property in their possession or control.
- 8.3 Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of their civic duties, or exercise of their functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 8.4 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 8.5 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

9. Legal assistance

- 9.1 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 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.
- 9.2 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.
- 9.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of their functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during their term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.



- 9.4 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.
- 9.5 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. The amount of any reimbursement to the Councillor shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis.

Part C – Facilities

10. General facilities for all Councillors

Upon election to office each Councillor will be provided a copy of Council's Councillor Induction Handbook, which includes all relevant publications produced to assist Councillors in the performance of their duties of office, including: a copy of Council's Code of Meeting Practice, Code of Conduct and other relevant policies, the Delivery Program, Operational Plan, current Annual Report and Local Government Handbook, if available.

Facilities

- 10.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- A Councillor office appropriately furnished to include a telephone, photocopier, printer, desk, computer terminal (or facility to plug in a laptop computer)
 - Mailboxes and appropriate refreshments (excluding alcohol)
 - Access to shared car parking spaces while attending Council offices on official business
 - Subject to availability and approval by the General Manager, access to secretarial services for Council related issues by a suitably qualified and experienced secretary
 - Personal protective equipment for use during site visits
 - A name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor
 - Surge protector for use with Council's IT equipment
 - An appropriate diary in hard copy to assist in the conduct of civic duties
 - Christmas cards for forwarding in their role as an elected member of Hawkesbury City Council.
 - An access card that enables entry to the Council Chambers area. The Mayor will be provided with access to their office.
- 10.2 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 10.3 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.
- 10.4 Correspondence to Councillors will be placed in the relevant Councillor's mailbox.

Stationery

- 10.5 Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards.



- 10.6 Council will meet the cost of reasonable postage of correspondence issued by the Mayor, Deputy Mayor and Councillors, provided such correspondence is directly related to the role of the elected member.

Private use of equipment and facilities

- 10.7 Private use of Council equipment, facilities and resources by a Councillor to obtain a private benefit is not permitted. A Councillor acting in good faith in the performance of their civic duties is able to obtain no more than incidental private use of Council equipment, facilities and resources. While it is acknowledged that from time to time incidental private use may occur, which is not subject to a compensatory payback, where more than incidental private use occurs, the Councillor will be required to reimburse the actual costs of the private benefit obtained.

In situations where private use by a Councillor of Council equipment, facilities and resources occurs, the General Manager will determine a suitable rate for reconciliation and reimbursement by the Councillor to the Council of the private benefit obtained.

Use of Council resources for political purposes

- 10.8 A Councillor's re-election to Council or election to other bodies, the fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Official Council material such as letterhead, publications, websites, as well as Council services, forms and logos must not be used for re-election purposes or any personal interests. Council equipment (including technological devices and motor vehicles), facilities and services must not be used for electoral purposes.

Situations in which the appearance or perception may be given that Council material, equipment, facilities or resources are being used for such purposes must be avoided.

11. Additional facilities for the Mayor

- 11.1 Council will provide to the Mayor a maintained vehicle up to the value of the applicable Australian Taxation Office's Luxury Car Tax Thresholds, with a fuel card for all official and personal use. The vehicle provided to the Mayor will be consistent with the types of vehicles available under Council's internal policies and procedures and Net Zero Emissions and Water Efficiency Strategy.
- 11.2 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.
- 11.3 Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 11.4 The services of a suitably qualified and experienced Executive Assistant.
- 11.5 As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 11.6 The Mayor will also be provided with the following:
- Mayoral Chain of Office for official/ceremonial use
 - refreshments cabinet located in the Mayoral Office which will be maintained and stocked by Council
 - provision of tea, coffee and refreshments to the Mayor when fulfilling their Mayoral duties, as required
 - an appropriate diary, in hardcopy to assist in the conduct of civic duties
 - presentation gifts, e.g., ties, scarves, books etc., for own use and presentations as appropriate.



12. Additional facilities for the Deputy Mayor

- 12.1 In addition, when the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor, the Deputy Mayor will have use of the following facilities provided for the Mayor:
- Mayoral Office
 - the refreshments cabinet located in the Mayoral Office which will be maintained and stocked by Council
 - a suitable name badge
 - provision of tea, coffee and refreshments to the Deputy Mayor when fulfilling their duties, as required
 - access to secretarial services
 - subject to availability, access to the Mayoral vehicle for Council business use or a similar vehicle to be provided for any civic or ceremonial functions only.

Part D – Processes

13. Payment of Expenses

- 13.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 13.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 13.3 Up to any 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.
- 13.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 13.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Manager Corporate Services and Governance 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

- 13.6 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 Manager Corporate Services and Governance.

Advance payment

- 13.7 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 13.8 The maximum value of a cash advance is \$75 per day of the conference, seminar or professional development.
- 13.9 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.



- 13.10 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 13.11 If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 13.12 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

- 13.13 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.
- 13.14 If the 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

- 13.15 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.

14. Disputes

- 14.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 14.2 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.

15. Return or retention of facilities

- 15.1 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.
- 15.2 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.

16. Publication

- 16.1 This policy will be published on Council's website.

17. Reporting

- 17.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulation and as provided in the Policy Summary.



18. Auditing

18.1 The operation of this policy, including claims made under the policy, can be audited.

19. Breaches

19.1 Suspected breaches of this policy are to be reported to the General Manager.

19.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Part E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2021, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- 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, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the Local Government Act 1993 (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1



Term	Definition
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 Local Government (General) Regulation 2021 (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year



Attachment A: Council Interstate and Overseas Travel Policy

Preamble

This policy has been developed by the Local Government Association for the guidance of member Councils in planning interstate and overseas travel for Councillors and staff where Council funds will be used to finance the journey. It recognises that there are occasions when representatives will need to travel interstate or overseas to represent the interests of their local areas. The thrust of the policy is that plans for any such travel should be transparent to the community and have an identifiable benefit to the local area through Council activity.

Policy - Interstate Travel

In most cases the need for such travel cannot be anticipated with as long a lead time as can reasonably be expected for overseas travel. There are also issues involving Council's close to interstate borders (such as Albury Councillors visiting Wodonga, Tweed Councillors visiting Logan City). In these cases no special policy should apply. There are instances where Councils are required to visit Canberra for official purposes such as meetings with Federal parliamentarians and Ministers. For purposes of this policy the ACT is regarded as being within NSW. Where Councillors and staff members propose to travel interstate, the proposals should be considered at an open Council meeting through a report from the Mayor or General Manager.

Where the cost of the travel is expected to exceed \$1,500 for transport, accommodation, and out of pocket reimbursement of expenses per person, a detailed report should be provided outlining:

- Who is to take part in the travel;
- The objectives to be achieved in undertaking it, including an explanation of what community benefits will accrue to undertaking the visit; and
- Details of costs, including any amounts expected to be reimbursed by participants.

If the travel is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed. A detailed report should be included in the Annual Report in the year which the travel was undertaken, outlining how the travel's objectives were met and how the community benefited from it.

Policy - Overseas Travel

Proposals for overseas travel by Councillors and staff on Council business should be documented in the annual management plan. The plan must be widely circulated in the community. Community input about the proposed visit can, therefore, be considered as part of the management plan review and budget finalisation process.

Proposals should indicate:

- Who is planned to take part in the travel;
- The objectives for undertaking it, including an explanation of what community benefits will accrue from the exercise, with an approximate budget; and
- Detailed costs including a statement of any amounts expected to be reimbursed by the participants.

If the visit is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process. A detailed report should be given in the Annual Report for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits will flow to the community. The Council should consider the above proposals in open meeting and resolve whether or not the travel is to take place. Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council for decision. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.