



POLICY – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS

Adopted by Council 14 December 2016
Resolution No 2016/383

Version Number	Created By	First Adopted By Council	Review Period
1.0	Corporate, Community & Regulatory Services	December 14 2016	4 Years

Narromine Shire Council – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy

Date of Final Adoption: 14 December 2016
Responsible Department: Corporate, Community & Regulatory Services
Mandatory Review: September 2020
Placed on public exhibition: October 2016

INTRODUCTION

1. Purpose of the Policy

The purpose of the policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

2. Objectives and Scope of the Policy

In applying the provisions of the legislation to Narromine Shire Council it is considered that Council's policy should provide for the payment of appropriate expenses and the provision of the necessary facilities on the basis that:

- a) It is reasonable and equitable that the Mayor, Deputy Mayor and Councillors should be reimbursed for their expenses incurred in properly carrying out the duties of office as elected representatives of the community. It is essential that such a policy is in place to ensure that such office is open to all eligible citizens.
- b) Elected representatives should have the use of adequate facilities to enable them to appropriately and adequately fulfil their role as responsive and responsible community representatives.
- c) Claims for expenses and facilities not included in this policy will not be approved.
- d) If a Councillor does not claim a particular expense or use a particular facility, this cannot be offset against a claim for an additional amount of some other expense or facility.
- e) Councillor expenses may not be used to support attendance by councillors at political fund raising functions.
- f) Councillor annual fees do not fall within the scope of the Councillor Expenses and Facilities policy.

- g) This Policy shall be implemented by way of the Director General's Revised Councillor Expenses and Facilities Guidelines released in October 2009.
- h) Councillors are encouraged to limit the use of the expenses and facilities provided for in this policy to the minimum required to enable them to effectively and efficiently discharge their functions of civic office.
- i) A public record, open for scrutiny, is to be kept concerning all facilities provided to Councillors and of the total expenses reimbursed to Councillors.
- j) The adopted expenses and facilities policy applies to Administrators of Council.

3. Making and adoption of the Policy

This policy was reported to Council at its meeting on 21 September 2016 and the proposed policy was placed on exhibition for 28 days. The policy was formally adopted by Council on 14 December 2016.

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under section 248-251 of the Act) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 (Payment of expenses and provision of facilities) states:

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

Section 253 of the Act specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended. It requires councils to make and submit their expenses and provision of facilities policies annually to the Office of Local Government.

Section 253 (Requirements before policy concerning expenses and facilities can be adopted or amended) states:

- (1) *A 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.*
- (2) *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.*
- (3) *Despite subsections (1) and (2), 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.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the: Departmental Chief Executive:*

- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1) and*
- (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
- c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 of the Act requires that a part of a council or committee meeting (all members of which are Councillors) which considers the adopting or amending of such a policy or at which any proposal concerning those matters is discussed or considered must not be closed to the public.

4. The role of a councillor

Section 232 of the Local Government Act defines the role of a councillor. It provides that councillors have two distinct roles: as a member of the governing body of the council; and as an elected person. Councillors as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. Councillor expenses and facilities policies should facilitate and assist councillors to carry out their role.

Section 232 (What is the role of a councillor?) states:

(1) The role of a councillor is, as a member of the governing body of the council:

- *To provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program.*
- *to direct and control the affairs of the council in accordance with this Act*
- *to participate in the optimum allocation of the council's resources for the benefit of the area*

- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- *to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

(2) *The role of a councillor is, as an elected person:*

- *to represent the interests of the residents and ratepayers*
- *to provide leadership and guidance to the community*
- *to facilitate communication between the community and the council.*

5. Other requirements

The Government Information (Public Access) Act 2009 provides that the public is able to inspect during office hours at the council, and at no charge, the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

6. Reporting Requirements

Clause 217 of the Regulation requires councils to include detailed information in their annual reports about the payment of expenses and provision of facilities to councillors.

Clause 217 (Additional information for inclusion in annual reports) states in part:

- (1) *For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include the following information:*
- a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
 - (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*

- (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
- (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
- (iii) *the attendance of councillors at conferences and seminars,*
- (iv) *the training of councillors and the provision of skill development for councillors,*
- (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) *the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

7. Legislative provisions - Local Government Act 1993 and Local Government (General) Regulation 2005

8. Other Government policy provisions

DLG Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW (November 2015)

ICAC publication – Use and Misuse of Public Sector Resources (February 2008)

DLG Councillor Handbook (September 2012)

Councillor Corporate Ipad Policy

9. General Conduct

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under section 439 of the Local Government Act and reinforced in the Model Code of Conduct made under section 440.

10. Use of Council Resources

The following clauses from the Model Code of Conduct for Local Councils in NSW (OLG) are particularly relevant:

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation, that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official material for:-

- (a) the purpose of assisting your election campaign or the election campaign of others, or*
- (b) for other non-official purposes*

7.18 You must not convert any property of the council to your own use unless properly authorised.

7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

ICAC Publication – No Excuse for Misuse, Preventing the Misuse of Council Resources

Councillors should also be aware of and take account of the Independent Commission against Corruption (ICAC) publication Use and Misuse of Public Sector Resources (February 2008). This publication is available on the ICAC website at www.icac.nsw.gov.au

11. Approval Arrangements

The following delegation of authority approval arrangements apply to the Mayor and General Manager for the attendance by Councillors at conferences, seminars and meetings:

- i) The Mayor with the General Manager may authorise attendance by elected members at conferences, seminars etc (between Council meetings), provided such can be achieved within budget provisions.
- ii) The Mayor with the General Manager may authorise attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved.

If the Mayor is seeking approval to attend a conference/seminar/workshop, as in i) and ii) above, the Deputy Mayor, with the General Manager, has the delegated authority to approve the attendance of the Mayor.

Wherever possible, attendance of elected members at conferences and seminars should be approved by the full Council.

If Council has already resolved to approve attendance of any or all Councillors at any conference or seminar or if the conference has been included in an annual program of conferences approved by Council, then no further approval is required for individual Councillors wishing to attend those conferences or seminars. The Councillor is required to contact the Mayor and General Manager to advise of their intention to attend the conference or seminar.

PAYMENT OF EXPENSES - GENERAL PROVISIONS

12. Allowances and Expenses

In accordance with clause 403 of the Regulation no provision will be made for the payment of an allowance in the nature of a general expense allowance.

(A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific time frame.)

Also in accordance with clause 403 of the Regulation no provision will be made for a motor vehicle owned or leased by the Council for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

13. Reimbursements and Reconciliation of Expenses

This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties.

14. Payment in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. The Mayor or the General Manager is to authorise pre-paid expenses. A reconciliation of the funds expended, receipts and funds not expended, is to be submitted to the General Manager within 10 days following the conclusion of the Conference.

15. Establishment of monetary limits and standards

This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where Councillors incur costs that are unforeseen or considered unreasonable by other Councillors and the public.

16. Spouse and partner and accompanying persons expenses

Where the Councillor is accompanied by his or her spouse/partner/accompanying person to a conference, seminar or training course, the Council will not reimburse any expenses incurred by the spouse/partner.

The Guidelines however state that –

“There may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying councillors within the local government area. Such functions would be those that a councillor’s spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government NSW annual conference could be met by council. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a 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 council’s area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a councillor at any event or function outside the council area, including interstate and

overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government NSW annual conference, as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the councillor or the spouse/partner/accompanying person.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses”.

17. Payment of annual Councillor fee into a complying superannuation fund

“In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forgo all or part of their remuneration in exchange for the Council making contributions to a complying superannuation fund. The effect of the arrangement is that the amounts paid by the Council to the complying superannuation fund are assessable to the fund as ‘superannuation benefits for someone else’ as set out in section 295-160 of the ITA 1997. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively”.

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

18. Attendance at seminars and conferences

In this part Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the industry of local government.

a) Who May Attend Conferences

Councillors may be nominated to attend conferences by –

- the Council, by resolution
- the Mayor and General Manager, acting within his/her delegated authority. In addition, the Mayor may nominate a substitute Councillor in his or her absence to attend functions within the Council area or general regional area on those occasions where the Mayor is unable to be in attendance.

Requests for attending conferences should generally be in writing outlining the benefits for Council.

b) What Conferences May be Attended

The conferences to which this policy applies shall generally be confined to:

- The Local Government NSW Annual Conference
- Special 'one-off' conferences called or sponsored by Local Government NSW on important issues.
- Regional Organisation of Councils Conferences
- Sister City Conferences
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Any Meetings or Conferences of organisations or bodies on which a Councillor may be elected, or appointed to be a delegate.
- Any other Conference approved by Council.

c) Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

d) Categories of Payment or Reimbursement

Travel:

- i) All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train.

Where travel by motor vehicle is used it should be undertaken by Council vehicle, where available, or by private vehicle, subject to approval by the General Manager.

- ii) Councillors using private vehicles will be paid the kilometre allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.
- iii) Costs of vehicle hire and/or taxi fares and parking which are reasonably incurred while attending conferences will be reimbursed by the Council.
- iv) Payment or reimbursement of travel expenses incurred or to be incurred shall be subject to the requirements that:
 - (a) travel expenses relate to travel that is on Council business;
 - (b) the travel is undertaken with all due expedition, and by the shortest practicable route and economical mode of transport, subject to any personal medical considerations ;
 - (c) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
 - (d) the claim is made not later than three (3) months after the expenses were incurred, and upon copies of all relevant dockets, receipts and the like being attached to a written claim for payment/reimbursement.

NOTE: The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

e) Accommodation:

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary because of travel and/or conference timetables, will be met by the Council.

f) Out-of-Pocket/Incidental Expenses

Reasonable out-of-pocket or incidental expenses will be reimbursed upon the presentation of official receipts and the completion of the

necessary claim forms for costs associated with attending the conference, seminars or training courses, excluding expenses of a normal private nature. Incidental expenses are taken to include items such as:

- (i) reasonable hotel/motel charges other than accommodation
- (ii) meals/refreshments not included in the Registration fee up to \$100 per day.
- (iii) telephone, Internet or facsimile charges up to \$10 per day;
- (iv) any optional activity in a Conference program
- (v) taxi fares, public transport and parking fees;

(Note: It is considered not practical to set a limit for taxi fares or parking fees when at a Conference/seminar etc out of the Shire).

g) Attendance at dinners and other non-council functions

Consideration may be given to meeting the cost of Councillor's attendance at dinners and other non-Council functions that provide briefings to councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to Council's interest. Only the cost of the service will be met. No payment will be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral-fund or for some other private benefit.

An additional payment to a registered charity may be acceptable as part of the cost of the function. **This payment to be approved by Council.**

19. Conference Reporting

Following attendance at a Conference authorised under this Policy, the relevant Councillor/s is required to submit a written report to Council on the aspects of the Conference relevant to Council business and/or the local community. No written report is required for the Annual Conference of Local Government NSW.

20. Training and Educational Expenses

Provision is made in the Council's budget for training and educational expenses incurred by Councillors. These expenses support and encourage an active learning process and skills development in addition to providing for attendance at seminars and conferences related to Council functions.

Payment of these expenses must be directly related to the Councillor's civic functions and responsibilities.

21. Local travel arrangements and expenses

Mayors and Councillors:

1. Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence within Narromine Shire and to -
 - a) attend Council or Committee meetings of which they are a member (or when replacing another Councillor who is unable to attend the meeting), and appointments involving Council business;
 - b) inspections within the Council's area undertaken in compliance with a resolution of the Council;
 - c) attending public meetings convened by Council.
 - d) attend non Council functions when the request to attend has come from the Mayor or General Manager through Council's office and where the function is relevant to Council's interest.
2. Councillors whose place of residence is outside the Narromine Shire Local Government area, may claim a kilometre allowance for use of private vehicles under this clause, as follows:
 - a) from the nearest road boundary of the Narromine Shire Local Government area, to the location of the meeting, appointment, inspection etc held within the Narromine Shire area;
 - b) for meetings, appointments etc held outside the Narromine Shire Local Government area, the maximum kilometre claim per meeting, appointment etc shall be the distance from the Shire boundary to the meeting place and return.

Kilometre rates for such travel will be paid at the rate set by the appropriate Local Government (State) Award, as at the date of travel.

Payment is subject to a formal claim form being lodged not later than three (3) months after the travel occurred.

22. Travel Outside the Narromine Shire Local Government Area Including Interstate Travel

Intrastate Travel:

The prior approval of the elected Council is required for intrastate travel on Council business. The application for approval should include full details of the travel, such as itinerary, costs and reasons for the travel. Travel to a neighbouring local government area may generally be treated as local travel.

Interstate Travel:

The prior approval of the elected Council is required for interstate travel on Council business.

The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas Travel:

Councillors should avoid international visits unless direct and tangible benefits can be established for the Council and the local community.

If Council is proposing any overseas travel, detailed proposals should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit should also be provided.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained. Travel proposals shall be included in the Council business papers. The use of a mayoral minute to obtain Council approval is not appropriate as it is not consistent with the principles of openness and transparency.

After returning from overseas, Councillors must provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community. Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council. Details of overseas travel must also be included in the Council's Annual Report. Councils are also required to report on the benefits of any proposed overseas sister city relationships.

23. Telephone Costs and Expenses

Councillors are entitled to the reimbursement of the reasonable costs associated with telephone calls made in their capacity as a Councillor of Narromine Shire Council.

A limit of up to \$100 per month is allowable for Councillor's (Council related) telephone calls and a limit of up to \$100 per month for the Mayor's Council related telephone calls.

A copy of the telephone account evidencing the calls is to be provided.

24. Internet

One computer, with internet access, will be made available in the Mayor's Office for the use of the Mayor and Councillors. Internet access will also be made available on Councillors' corporate ipads for the purpose of disseminating Council information to enable Councillors to execute their duties in respect of the role of Councillor. If any Councillors are in an area that requires additional internet access to use their ipads, Council will pay up to \$50 per month to reimburse these additional costs incurred. An account evidencing the cost is to be provided.

25. Care and Other Related Expenses

Council will make provision for the reimbursement of the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations at a rate of \$20/hr to an annual limit of \$1000. Written evidence of the expenditure must be provided when making a claim.

Council will make provision for the payment of other related expenses associated with the special requirements of Councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

26. Insurance Expenses and Obligations

Council will provide Councillors insurances required in carrying out their civic office functions.

Personal Accident – cover applies to Councillors engaged in or on any activity directly or indirectly connected with or on behalf of Council including whilst travelling directly to and/or from such activity. For the purposes of this policy Councillors are covered while engaged on a Journey (as defined). Journey shall mean any trip involving an overseas destination and shall start from the time of leaving home or a normal place of business (whichever is left last) and continue until arrival back at home or normal place of business (whichever is reached first). Every day commuting shall not be regarded as a Journey. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance which is, at the discretion of the Council, taken out.

Public Liability for matters a Councillor may become legally liable by way of compensation arising whilst acting within the scope of their duties for and on behalf of Council in respect of personal injury and damage to property subject to any limitations or conditions as set out in Council's policy of insurance which is, at the discretion of the Council, taken out.

Professional Indemnity for any claim or claims first made against a Councillor and notified to the insurer during the period of protection arising out of any negligent act, error or omission whenever or wherever the same was or may have been committed or alleged to have been committed by the Councillor in their conduct whilst acting within the scope of their duties for and on behalf of Council. This is subject to any limitations or conditions as set out in Council's policy of insurance which is, at the discretion of the Council, taken out.

Note: It should be noted that all of the above insurances exclude claims arising out of any intentional, deliberate, dishonest, fraudulent, criminal or malicious act or omission.

27. Legal Expenses

Council will include provisions in its Councillor expenses and facilities policy to indemnify or reimburse a Councillor's reasonable legal costs properly incurred.

The reasonable legal expenses of a councillor may only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the councillor.

Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- (i) NSW Civil and Administrative Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Office of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Panel/Conduct Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the Complaints Co-ordinator to a conduct reviewer/conduct review panel to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter, legal costs should only be made available where a formal investigation has been commenced by the Office of Local Government.

In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstances.

Council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs must not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the council is authorised to meet.

It is important that approval is sought and gained from a Council resolution, where possible, prior to legal expenses being incurred. The General Manager and the Mayor together may be delegated authority, to make the decision to incur legal costs between meetings, in emergency situations for an initial legal advice only. Any decision made jointly by the Mayor and General Manager must be reported to the next Council meeting for Council's information and any further decisions.

28. Provision of suitable meals and refreshments

Council will provide suitable meals and refreshments for Council and Council Committee meetings, Working Parties, Councillor Briefing Sessions, other functions and meetings arranged by Council, and meetings of Councillors with Parliamentary representatives, guests, visiting dignitaries and other delegations.

29. Stationery

Council will provide business cards, name badges, envelopes, postage and a reasonable supply of paper for Council related business.

30. Council promotional apparel

Council may provide Councillors with Tie/Scarf, Blazers, and Corporate clothing for official functions and Council Meetings. Protective clothing and equipment may also be provided when required.

FACILITIES AND EQUIPMENT FOR COUNCILLORS – GENERAL PROVISIONS

31. Provision of Facilities and Equipment for Councillors

Council will provide the following facilities to all Councillors for Council related business purposes only:

a) Use of Mayoral Office and/or Council Chamber/Conference Room

When not being used by the Mayor or for other purposes

b) Provision of facilities, equipment and services

As part of Council's IT strategy, Councillors are entitled to the use of a notebook computer for Council related business, which will be provided in the Mayor's office. Councillors will be provided with an iPad for Council related business.

Councillors are entitled to reimbursement for the cost of replacing printer and fax cartridges for printers and fax machines owned by Councillors and used on Council business. An invoice or receipt must be presented to receive payment. A limit of \$150 per annum for each of a printer and/or fax cartridge will apply.

c) Acquisition and return of equipment and facilities by Councillors

Councillors must return any Council equipment and other facilities to the Council after completion of their term of office, extended leave of absence or at the cessation of their civic duties. Councillors may purchase council equipment previously allocated to them at the cessation of their duties if the item is for sale. The sale price to be at an agreed fair market price or written down value.

d) No private benefit unless payment made

This policy expressly disallows, other than incidental, private benefit from expenses and facilities provided by Council unless payment is made.

Council will allocate resources to Councillors on the basis of majority council use with a private use declaration provided and cost recovery for private use on a proportional basis of the cost to Council.

Private use declaration to be lodged monthly with Council.

e) No use of council resources for political purposes

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

32. Approval and dispute resolution processes

No expenses will be paid other than those as stated in this policy. If a dispute arises regarding the payment of any expenses or the provision of facilities, the following procedure is to be followed-

1. The Councillor to provide the General Manager with details of the expenses or facilities claimed and refused.

2. The General Manager to check with the Payment of Expenses and Provision of Facilities for Mayors and Councillors policy to determine whether the claim falls within the policy.
3. The General Manager to determine the matter.
4. If concurrence cannot be reached, then the General Manager to report the matter to the Mayor for determination, jointly with the General Manager.
5. If concurrence cannot be reached, the matter to be reported to Council for a decision.

33. Gifts and benefits to be of token value

In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value in accordance with Clause 5.3 of the Model Code of Conduct.

ADDITIONAL EXPENSES

34. Additional Expenses for Mayors

In addition to those facilities provided to the Councillors, the Mayor, in carrying out the duties of that office, is entitled to receive the benefit of the following facilities subject to conditions without reduction of fees payable under s248, s428A, and/or s249 of the Local Government Act.

- a) **Appropriate furnished Mayoral office** within the Council Administration building
- b) **Notebook computer** for Council related business, which will be provided in the Mayor's office.
- c) **A mobile telephone** for Council related calls.
- d) **Secretarial services** including word processing, photocopying, printing, postage, facsimile, internet and telephone facilities.
- e) **Administrative Assistance** associated with any Council functions, organisations, meetings, publications and the like by appropriate staff as determined by the General Manager.
- f) **Office Refreshments** – as provided in the Mayoral Office for entertainment purposes.
- g) **Stationery** - Mayoral letterhead, envelopes and stationery generally.

- h) Office Equipment** – provision of appropriate office equipment such as notebook computer, facsimile machine, printer and photocopier, either within the Mayoral Office or shared with the Administration.

OTHER MATTERS

Any equipment provided shall remain the property of the Council, and shall be returned to the Council within one week of the Councillor leaving office.

The equipment is for the exclusive use of the Councillor on Council business and the Councillor shall not loan the equipment to a third party.

The Councillor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

In order for a Councillor to be entitled to the reimbursement of telephone calls, the Councillor must:

Make his/her telephone, facsimile numbers and email addresses available to the public to ensure that he/she is accessible to the residents and ratepayers of the Shire;

Identify all mobile telephone calls associated with his/her duties as Councillor on his/her mobile telephone account;

Meet the cost of any private usage (eg not business calls on Council's behalf);

Requests for issues of stationery, and/or equipment shall be made to the General Manager, Executive Assistant or the Director of Corporate, Community & Regulatory Services. Approved requests will be provided to Councillors.