

Councillor Expenses & Facilities

1. Purpose

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

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

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

Expense or facility	Maximum amount	Frequency
Maximum Expense Limit for travel, accommodation, meals, registration costs and other expenses	\$3,000 per Councillor \$5,000 for the Deputy Mayor \$10,000 for the Mayor where Council vehicle provided \$20,000 for the Mayor where private vehicle used	Per year
Interstate, overseas and long-distance intrastate travel expenses	On request and approved by Council	Per year
Accommodation and meals*	As per the <i>NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually	Per meal/night
Professional development	As required	Per year
ICT expenses	Council issued devices	Per year
Carer expenses	\$3,250 per Councillor	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	\$10,000 for the Mayor	Per year
Use of suitable private vehicle	\$20,000 where the Mayor has elected to use a suitable private vehicle, and is reimbursed at the award kilometre rate	Per year
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

For Accommodation in a capital city when the cost is greater than the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 then a cost comparison of three hotels within 1km proximity of the meeting venue must be undertaken.

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 in the Annual Report and published on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

2. Policy Objective

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. Scope

This policy applies to Councillors.

Definitions

Term	Meaning
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 <i>the Local Government Act 1993</i>
Clause	unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Incidental personal use	means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
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.
Regulation	means <i>the Local Government (General) Regulation 2005</i>

4. Policy Principles

4.1 Fees and Superannuation Contributions

4.1.1 Mayoral Fees

Council will determine annually the fee to be paid to the Mayor in accordance with s249 *LG Act 1993*. This fee, which is in addition to the Councillors' fee, will be paid to the Mayor monthly in arrears.

4.1.2 Deputy Mayoral Fees

Council may determine that a fee is to be paid to the Deputy Mayor in accordance with s249(5) *LG Act 1993*. Such a fee shall be deducted from the Mayoral fee and is in addition to the Councillors fee. This fee will be paid to the Deputy Mayor monthly in arrears at a rate of \$1,500 per annum.

4.1.3 Councillor Fees

Council will determine annually the fee to be paid to Councillors in accordance with s248 *LG Act 1993*. This fee will be paid to Councillors monthly in arrears as provided by s250 *LG Act 1993* in accordance with the determination of the Local Government Remuneration Tribunal.

4.1.4 Superannuation contributions for Councillors

Council resolved at the March 2022 meeting to make payments as contributions to a Councillor's superannuation account commencing 1 July 2022.

Council will make superannuation contribution payments as provided by s254B of the *LG Act 1993*.

4.2 Private or Political Benefit

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

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.

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

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

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

4.3 Expenses

4.3.1 General Expenses

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.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

4.3.2 General Travel Arrangements and Expenses

All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

Reimbursement will not be paid for any expense incurred through attending to the needs of constituents except as provided by this Policy.

Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW or the ACT. 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 Cab charge card or equivalent
- For documented ride-share programs, such as Uber, where tax invoices can be issued

Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award 2017*. This provision is subject to the Councillor attending to

Council business which requires travel exceeding 10 kilometres from their normal place of residence.

Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

4.3.3 Interstate, Overseas and Long-Distance Intrastate Travel Expenses

Given Council's location, travel to ACT will be considered as general travel.

The value and need for Councillors to undertake overseas travel will be determined by Council.

Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be determined by Council as requested.

Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, Council at a meeting prior to travel.

The case should include:

- Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
- Who is to take part in the travel
- Duration and itinerary of travel
- A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s

For interstate and long-distance intrastate journeys by air the class of air travel is to be economy class.

For international travel, arrangements are to be in accordance with ED-POL-04 International Relationships.

Bookings for approved air travel are to be made through the General Manager's office.

For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Spouses/partners that accompany Councillors on business trips must pay for themselves.

4.3.4 Travel Expenses not Paid by Council

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

4.3.5 Accommodation and Meals

In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside Yass Valley Local Government Area.

The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B *Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

For Accommodation in a capital city when the cost is greater than the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 then a cost comparison of three hotels within 1km proximity of the meeting venue must be undertaken.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager.

Councillors will not be reimbursed for alcoholic beverages.

4.3.6 Professional Development

Council will provide funds to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

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.

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.

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

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

4.3.7 Conferences and Seminars

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

Approval to attend a conference or seminar is subject to authorisation by the Council, or under the authority of the Mayor or delegated authority of the General Manager. The following factors must be considered:

- 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

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.

4.3.8 Information and Communications Technology (ICT) Expenses

Council will provide Councillors with appropriate ICT devices to assist them in carrying out their civic functions. This may include mobile phones, laptops and tablets.

Council will meet the reasonable cost of repairing or replacing a device that has been damaged through fair wear and tear. Councillors will contribute 50% of the reasonable cost of repairs or replacement of ICT devices that have been damaged other than through fair wear and tear.

Councillors who have been issued with a Council device are not entitled to claim reimbursement for use of personal telecommunications devices.

Any private use of Council telecommunications and/or computer equipment will be at the Councillor's own expense and the associated costs will be reimbursed to Council.

Communication with Councillors is only to be made through the official Council email address issued to Councillors – for example: councillors@yass.nsw.gov.au.

4.3.9 Special Requirement and Carer Expenses

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.

Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.

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.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.

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.

4.4 Insurances

In accordance with s382 *LG Act 1993* Council is insured against public liability and professional indemnity claims. Councillors are included as a named insurer on this Policy.

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.

Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Appropriate travel insurances will be provided for any Councillors travelling on approved overseas travel on Council business.

4.5 Legal Assistance

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 *LG Act 1993* 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

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.

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.

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
- 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

4.6 General Facilities for all Councillors

4.6.1 Facilities

Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- 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

4.6.2 Administrative Support

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Manager's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.

4.6.3 Council Information

Councillor requests for copies of documents or information are to be made to the General Manager and or appropriate Director.

Councillor requests for in-depth information, research or reports to Council shall be initiated by way of Council resolution or by authorisation from the General Manager and Mayor.

4.7 Additional Facilities for the Mayor

Council may provide the Mayor a vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.

Where the Mayor elects to use a suitable private vehicle reimbursement can be claimed up to \$20,000 per year.

The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.

The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the *Local Government (State) Award 2017*.

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

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.

Council will provide to the Mayor at its cost a purchasing card to facilitate payment of incidental expenses such as attendance, parking and entertainment in conjunction with the discharging of the functions of the Mayor's office.

- The purchasing card will have a limit of \$10,000
- The account is to be in the name of Yass Valley Council
- The purchasing card is not to be used for personal expenses
- The credit card is to be reconciled with receipts on a monthly basis

4.8 Use of Private Motor Vehicles

Council will meet the reasonable costs of Councillors using their own motor vehicle for travelling to meetings of Council or any Committee of the Council where the Councillor is a member or where a Councillor has been elected as the Council's delegate to an organisation.

Council will also meet the reasonable costs of Councillors using their own motor vehicle for travelling to any meeting, conference or function on behalf of the Council or the Mayor when such attendance is authorised.

Reimbursement for the costs of Councillors using private motor vehicles will only be considered from the Councillor's normal place of residence or work within the Yass Valley LGA.

In the event that a Councillor's normal place of residence is outside the Yass Valley LGA or a Councillor travels to a meeting from a location outside the LGA due to non-Council commitments elsewhere, Council will reimburse the costs of travel incurred from the boundary of the LGA or an amount equivalent to travel incurred from their normal place of residence, whichever is the greater.

4.9 Processes

4.9.1 Approval, Payment and Reimbursement Arrangements

Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

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

Final approval for payments made under this policy will be granted by the General Manager or their delegate.

4.9.2 Direct Payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

4.9.3 Reimbursement

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.

4.9.4 Notification

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

If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

4.9.5 Reimbursement to Council

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

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.

4.9.6 Timeframe for Reimbursement

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

4.10 Disputes

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

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.

4.11 Return or Retention of Facilities

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.

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.

The prices for all equipment purchased by Councillors will be recorded in Council's annual report.

4.12 Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting in the Annual Report and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

4.13 Auditing

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.

4.14 Breaches

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

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.

5. Responsibilities & Review

The General Manager will be:

- Responsible for the reporting of the requirements of this policy to Council
- Ensure compliance with this Policy
- Review this policy within 12 months of a new term of Council. The next review date is January 2022.

Councillors:

- Comply with the provisions of this Policy
- Submit claims and other documents as required by this policy and associated documents

References

This policy is to be read in conjunction with the following:

Legislation	<i>Local Government Act 1993 (sections 252 and 253)</i>
	<i>Local Government (General) Regulation 2005 (clauses 217 and 403)</i>
	<i>Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009</i>
	<i>Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities</i>
	<i>Local Government Circular 05-08 Legal Assistance for Councillors and Council Employees</i>
	<i>ED-POL-4 International Relationships</i>
Policies and procedures	

Approval History

Stage	Date	Comment	MagiQ Reference
Review	23/09/2015	Approved at Council Meeting	Min 249
Review	28/09/ 2016	Approved at Council Meeting	Min 236
Review	27/11/2019	Approved at Council Meeting Adopted 02/01/2020	Min 273
Review	27/01/2021	Approved at EMT (Minor amendment)	
Review	26/10/2021	Approved at EMT (Minor amendment)	Doc ID 351399
Review	01/12/2021	Approved at Council Meeting	Min 273 Doc ID 351399
Review	24/03/2022	Adopted after exhibition period 28/4/22	Min 74 Doc ID 351399

Ownership and Approval

Responsibility	Role
Author	General Manager
Owner	General Manager
Endorser	EMT
Approver	Council